

MITIGATED NEGATIVE DECLARATION
for the
Lido Villas Residential Development

General Plan Amendment No. GP2012-005
Zoning Code Amendment No. CA2012-008
Coastal Land Use Plan Amendment No. LC2013-001
Site Development Review No. SD2013-001
Tract Map No. NT2013-001
(PA2012-146)



Lead Agency

Contact: Makana Nova
City of Newport Beach
Community Development Department
Planning Division
100 Civic Center Drive
Newport Beach, California 92660

CEQA Consultant

T&B Planning, Inc.
17542 East 17th Street, Suite 100
Tustin, California 92780

PUBLIC REVIEW DRAFT: July 12, 2013



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The various reports identified below are included within the Technical Appendices to this MND, and are herein incorporated by reference pursuant to CEQA Guidelines Section 15150.

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B.	Geotechnical Engineering Services Report
C.	Hydrology Report
D.	Conceptual Priority Water Quality Management Plan
E1.	Phase I Environmental Site Assessment
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LIST OF ACRONYMS

<u>Acronym</u>	<u>Definition</u>
AB	Assembly Bill
ACCM	Asbestos-Containing Construction Material
ACM	Asbestos-Containing Material
ACWM	Asbestos-Containing Waste Material
ADT	Average Daily Vehicle Trips
AELUP	Airport Environs Land Use Plan
ALUC	Airport Land Use Commission
amsl	above mean sea level
AQMP	Air Quality Management Plan
APN	Assessor's Parcel Number
BMPs	Best Management Practices
Btu	British Thermal Unit
CA2012-008	Zoning Code Amendment No. CA2012-008
CARB	California Air Resources Board
CBC	California Building Code
CCC	California Coastal Commission
CCR	California Code of Regulations
CDC	California Department of Conservation
CDE	California Department of Education
CDP	Coastal Development Permit
CDFW	California Department of Fish and Wildlife
CDPH	California Department of Public Health
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CG	General Commercial (General Plan land use designation)
CG-B	General Commercial (Coastal Land Use Plan land use designation)
CGS	California Geological Survey
CH ₄	Methane
CM	Recreational and Marine Commercial (General Plan land use designation)
CM-A	Recreational and Marine Commercial (Coastal Land Use Plan land use designation)
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO ₂	Carbon Dioxide
CO ₂ e	Carbon Dioxide Equivalents
CPSC	Consumer Product Safety Commission
CWA	Clean Water Act
dB	Decibels
dBA	A-weighted Decibels
DOSH	Department of Occupational Safety and Health
du	dwelling units
du/ac	dwelling units per acre



LIST OF ACRONYMS

<u>Acronym</u>	<u>Definition</u>
EIR	Environmental Impact Report
EMP	Emergency Management Plan
emp.	employees
EMS	Emergency Medical Services
EPA	Environmental Protection Agency
ESA	Environmental Study Area or Environmental Site Assessment
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations or Floor Area Ratio
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gas(es)
GP2012-005	General Plan Amendment No. GP 2012-005
GPA	General Plan Amendment
gpd	gallons per day
gpm	gallons per minute
GWP	Global Warming Potential
HCP	Habitat Conservation Plan
HFC	Hydrofluorocarbon
HUD	Housing and Urban Development Agency
JWA	John Wayne Airport
LBP	Lead-Based Paint
LBPPPA	Lead-Based Paint Poison Prevention Act
LC2013-001	Coastal Land Use Plan Amendment No. LC2013-001
LCP	Local Coastal Program
Leq	Equivalent Level (noise)
LOS	Level of Service
LST	Localized Significance Thresholds
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
MRZ	Mineral Resources Zone
MRZ-I	Mineral Resources Zone I
MU-V	Mixed-Use Vertical
MU-W	Mixed-Use Water
N ₂ O	Nitrous Oxide
NAHC	Native American Heritage Commission
NBFD	Newport Beach Fire Department
NBPD	Newport Beach Police Department
NBPL	Newport Beach Public Library
NCCP	Natural Community Conservation Plan



LIST OF ACRONYMS

<u>Acronym</u>	<u>Definition</u>
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMUSD	Newport-Mesa Unified School District
NO _x	Oxides of Nitrogen
NOD	Notice of Determination
NOI	Notice of Intent
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NT2013-001	Tentative Tract Map No. 17555
OCALUC	Orange County Airport Land Use Commission
OCS	Orange County Sanitation District
OCTA	Orange County Transportation Authority
OCWD	Orange County Water District
OHP	Office of Historic Preservation
PB&R	Parks, Beaches and Recreation
PC	Planned Community Zoning District
PCDP	Planned Community Development Plan
PF	Public Facilities
PFC	Perfluorocarbons
PI	Private Institutions (General Plan land use designation)
PI-B	Private Institutions (Coastal Land Use Plan land use designation)
PM _{2.5}	Fine Particulate Matter
PM ₁₀	Inhalable Particulate Matter
P.O.	Post Office
pph	person(s) per household
psi	pounds per square inch
RECs	Recognized Environmental Conditions
RM	Multiple Unit Residential (General Plan land use designation)
RM-D	Multiple Unit Residential (Coastal Land Use Plan land use designation)
RSC	Retail Service Commercial
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCH	State Clearinghouse (Governor's Office of Planning & Research)
s.f.	square feet or square foot
SF ₆	Sulfur Hexafluoride
SOA	Sprayed-On-Acoustic
SOI	Sphere of Influence
SR-1	State Route 1/Pacific Coast Highway
SR-55	State Route 55
SRA	Source Receptor Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board



LIST OF ACRONYMS

<u>Acronym</u>	<u>Definition</u>
TDSD	Newport Beach Transportation and Development Services Division
U.S.C.	United States Code
USCB	United States Census Bureau
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
v/c	Volume to Capacity Ratio
VOCs	Volatile Organic Compounds
WQMP	Water Quality Management Plan
yr	year



1.0 Introduction

The City of Newport Beach (hereafter “City”) received applications from the Dart Development Group (hereafter “Project Applicant”) for the development of 23 townhouses on an approximately 1.2-acre site. The subject property (hereafter, “proposed Project site” or “Project site”) is bounded by the following roadways: Via Lido to the east/northeast, Via Oporto to the west, and Via Malaga to the south. Specifically, the Project Applicant submitted applications for General Plan Amendment No. GP2012-005, Zoning Code Amendment No. CA2012-008, Coastal Land Use Plan Amendment No. LC2013-001, Site Development Review No. SD2013-001, and Tract Map No. 17555 (NT2013-001), collectively referred to by the City as (PA2012-146) and which are described in more detail below. These applications (hereafter “Project” or “proposed Project”) would involve the demolition of an existing office building, church building, church reading room and their associated site improvements, clearing them from the property, and redevelopment of the site with 23 townhouses in five (5) clusters along with landscaping, drive aisles, and associated parking. The proposed Project is the subject of analysis in this document pursuant to the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15367, the City is the lead agency with principal responsibility for considering the proposed Project for approval.

1.1 Document Purpose

This document is a Mitigated Negative Declaration (MND) prepared in accordance with the California Environmental Quality Act (CEQA), including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.). This MND is an informational document intended for use by the City of Newport Beach, Trustee and Responsible agencies, and members of the general public in evaluating the physical environmental effects of the proposed Project.

This MND was compiled by the City of Newport Beach, serving as the Lead Agency for the proposed Project pursuant to CEQA §21067 and CEQA Guidelines Article 4 and §15367. “Lead Agency” refers to the public agency that has the principal responsibility for carrying out or approving a project.

This introduction is included to provide the reader with general information regarding: 1) the location of the proposed Project and a summary of the Project’s proposed discretionary actions; 2) standards of adequacy for a MND under CEQA; 3) a summary of Initial Study findings supporting the Lead Agency’s decision to prepare a MND for the proposed Project; 4) a description of the format and content of this MND; and 5) the governmental processing requirements to consider the proposed Project for approval.

1.2 Project Location

The proposed Project site comprises approximately 1.2 acres, located in the City of Newport Beach, Orange County, California in the northerly section of the Balboa Peninsula. The Pacific Ocean is located approximately 0.3 miles to the west of the property and Newport Bay is located approximately 165 feet to the east. Specifically, the subject property is bounded by Via Lido to the east, Via Oporto to the west, and Via Malaga to the south. The current address of the site is 3303 Via Lido and 3355 Via Lido, Newport Beach, California 92663-3979. The assessor’s parcel numbers (APNs) are 423-112-02 and 423-112-03. The site was previously subdivided and encompasses a total of six (6) existing lots: Lots 1201, 1202, 1203, and 1204 of Tract 907 (inclusive of an adjacent alley) and a portion of Lots 4 and 5 of Tract 1117 (inclusive of an adjacent alley).



1.3 Project Summary

The proposed Project evaluated in this MND is located in the City's Lido Village Subarea (Statistical Area B5) of the City's General Plan. The proposed Project consists of applications for a General Plan Amendment (GP2012-005), Coastal Land Use Plan Amendment (LC2013-001), Zoning Code Amendment (CA2012-008), Site Development Permit (SD2013-001), and Tract Map (NT2013-001) to allow for the demolition and removal of an existing office building, church building, church reading room, and associated site improvements and redevelopment of the property by the construction of 23 new townhouse-style condominiums in five (5) clusters along with landscaping, drive aisles, and associated parking. Provided below is a brief description of the Project's proposed discretionary applications under consideration by the City of Newport Beach. Refer to Section 3.0 of this document for a more complete description of the proposed Project.

The following applications require consideration by the Newport Beach Planning Commission, which would make recommendations regarding the Project to the City Council. The Newport Beach City Council would then consider these discretionary applications for approval, approval with modification, or denial. If the Project is approved by the City Council, the Project's Coastal Land Use Plan Amendment would then require review by the California Coastal Commission (CCC). If the Coastal Land Use Plan Amendment is approved by the CCC, then the Project would require a Coastal Development Permit (CDP), which also would be issued by the CCC. A CDP is required because the site is located in the coastal zone and subject to the California Coastal Act of 1976.

- **General Plan Amendment No. GP2012-005** proposes to change the existing land use designation of APN 423-112-02 (3303 Via Lido; herein, "Parcel A") from "Private Institutions (PI)" to "Multiple Unit Residential (RM)." GP2012-005 would not affect the existing General Plan land use designation of "Multiple Unit Residential (RM)" for APN 423-112-03 (3355 Via Lido; herein, "Parcel B").
- **Coastal Land Use Plan Amendment No. LC2013-001** proposes to change the existing Coastal Land Use Plan designation of Parcel A from "Private Institutions (PI-B)" to "Multiple Unit Residential (RM-D)." LC2013-001 would not affect the existing Coastal Land Use Plan designation of "Multiple Residential (RM-D)" for Parcel B.
- **Zoning Code Amendment No. CA2012-008** proposes to change the zoning designations for the entire 1.2-acre Project site. Specifically, Parcel A would be rezoned from "PI (Private Institutions)" to "PC (Planned Community District)" and Parcel B would be rezoned from "RM (Multi-Unit Residential)" to "PC (Planned Community District)." CA2012-008 also would establish standards for development of the property with 23 townhouses.
- **Site Development Review No. SD2013-001** is required pursuant to § 20.52.080 (Site Development Reviews) of the Newport Beach Municipal Code because the Project involves a tentative map and proposes more than five dwelling units.
- **Tract Map No. 17555 (NT2013-001)** proposes to combine the site's existing six parcels into one parcel and establish a 23-unit condominium tract.

1.4 California Environmental Quality Act (CEQA)

1.4.1 CEQA Objectives

CEQA is a statewide environmental law contained in Public Resources Code §§ 21000-21177 that applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. The overarching goal of CEQA is to protect the physical environment. To achieve that goal, CEQA requires that public agencies inform themselves of the environmental consequences of their discretionary actions and consider alternatives and mitigation



measures that could avoid or reduce significant adverse impacts when avoidance or reduction is feasible. It also gives other public agencies and the general public an opportunity to comment on the information. If significant adverse impacts cannot be avoided, reduced, or mitigated to below a level of significance, the public agency is required to prepare an EIR and balance the project's environmental concerns with other goals and benefits in a statement of overriding considerations.

The principal objectives of CEQA are to: 1) inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities; 2) identify the ways that environmental damage can be avoided or significantly reduced; 3) prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and 4) disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

1.4.2 CEQA Requirements for Mitigated Negative Declarations (MNDs)

A MND is a written statement by the Lead Agency briefly describing the reasons a proposed project, which is not exempt from the requirements of CEQA, will not have a significant effect on the environment and therefore does not require preparation of an Environmental Impact Report (EIR). (CEQA Guidelines § 15371) The CEQA Guidelines require the preparation of a MND if the Initial Study prepared for a project identifies potentially significant effects, but: 1) revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed MND and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and 2) there is no substantial evidence, in light of the whole record before the Lead Agency, that the project as revised may have a significant effect on the environment. If the potentially significant effects associated with a project cannot be mitigated to a level below significance, then an EIR must be prepared. (CEQA Guidelines § 15070[b])

1.4.3 Initial Study Findings

Section 5.0, *Environmental Checklist and Environmental Analysis*, contains a copy of the Initial Study that was prepared for the proposed Project pursuant to CEQA and City of Newport Beach requirements. The Initial Study determined that implementation of the proposed Project would result in no impacts or less than significant environmental effects under the issue areas of aesthetics, agriculture/forest resources, biological resources, geology/soils, greenhouse gas emissions, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic or utilities/service systems. The Initial Study determined that the proposed Project would result in potentially significant effects to the following issue areas, but the applicant has agreed to incorporate mitigation measures that would avoid or mitigate the effects to a point where clearly no significant effects would occur: air quality, cultural resources, and hazards/hazardous materials. The Initial Study also determined that, with the incorporation of mitigation measures, there is no substantial evidence, in light of the whole record before the Lead Agency (City of Newport Beach), that the Project as revised may have a significant effect on the environment. Therefore, and based on the findings of the Initial Study, the City of Newport Beach determined that a MND shall be prepared for the proposed Project pursuant to CEQA Guidelines § 15070(b).

1.4.4 CEQA Requirements for Environmental Setting and Baseline Conditions

CEQA Guidelines § 15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "...the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the



environmental analysis is commenced...” (CEQA Guidelines § 15125[a]) In the case of the proposed Project, the Initial Study determined that a MND is the appropriate form of CEQA compliance document, which does not require a Notice of Preparation (NOP). Thus, the environmental setting for the proposed Project is the approximate date that the Project’s environmental analysis commenced.

The City of Newport Beach commenced environmental review of the proposed Project in early 2013. Accordingly, the environmental setting for the proposed Project is defined as the physical environmental conditions on the proposed Project site and in the vicinity of the proposed Project as they existed in early 2013. Section 2.0, *Environmental Setting*, provides a summary of the existing physical environmental conditions of the Project site and surrounding areas as they existed in early 2013.

1.4.5 Format and Content of this Mitigated Negative Declaration

The following components comprise the MND in its entirety:

- 1) This document, including all Sections. Section 5.0 contains the completed Environmental Checklist/Initial Study and its associated analyses which document the reasons to support the findings and conclusions of the Initial Study.
- 2) The Mitigation Monitoring and Reporting Program (MMRP), which summarizes all mitigation measures imposed on the proposed Project to ensure that effects to the environment are reduced to less-than-significant levels. The basis for the MMRP is found in the Environmental Checklist/Initial Study. The MMRP also indicates the required timing for the implementation of each mitigation measure, identifies the parties responsible for implementing and/or monitoring each mitigation measure, and identifies the level of significance following the incorporation of each mitigation measure.; and
- 3) Eight (8) technical reports that evaluate the effects of the proposed Project, which are attached as Technical Appendices A through E4. The analysis herein also relies on correspondence from other City Departments and the Project applicant; this correspondence is provided in Technical Appendix F. These technical reports and miscellaneous correspondence also are on file and available for public review at the City of Newport Beach Community Development Department, Planning Division (100 Civic Center Drive; Newport Beach, California 92660) and are hereby incorporated by reference pursuant to CEQA Guidelines § 15150.
 - A. *Via Lido Project Focused Construction Air Quality Analysis*, prepared by Urban Crossroads, Inc., and dated May 21, 2013;
 - B. *Geotechnical Engineering Services Report*, prepared by Professional Service Industries, Inc. (PSI) and dated August 24, 2012;
 - C. *Hydrology Report, 3303 & 3355 Via Lido*, prepared by C&V Consulting, Inc., and dated March 5, 2013;
 - D. *Water Quality Management Plan*, prepared by C&V Consulting, Inc., and dated February 2013;
 - E1. *Report of Phase I Environmental Site Assessment*, prepared by PSI and dated August 29, 2012;
 - E2. *Phase II Environmental Site Assessment*, prepared by PSI and dated May 24, 2013;
 - E3. *Asbestos and Limited Lead-Based Paint Survey, Office Building, 3355 Via Lido*, prepared by PSI and dated October 8, 2012;
 - E4. *Asbestos and Limited Lead-Based Paint Survey, Proposed Christian Science First Church, 3303 Via Lido*, prepared by PSI and dated September 27, 2012; and
 - F. Miscellaneous correspondence.



- G. *Preliminary Sewer Analysis*, prepared by C&V Consulting, Inc., and dated June 2013.

1.4.6 Preparation and Processing of this Mitigated Negative Declaration

The City of Newport Beach Planning Division directed and supervised the preparation of this MND. Although prepared with assistance of the consulting firm T&B Planning, Inc., the content contained within and the conclusions drawn by this MND reflect the sole independent judgment of the City. Following completion of this MND, A Notice of Intent (NOI) to adopt the MND will be distributed to the following entities: 1) organizations and individuals who have previously requested such notice in writing; 2) direct mailing to the owners of property contiguous to the Project and property owners within a 300-foot radius as shown on the latest equalized assessment roll; 3) the Orange County Clerk; and 4) Office of Planning and Research, State Clearinghouse for review by state agencies. The NOI will identify the location(s) where the MND, Initial Study, MMRP, and associated technical reports are available for public review. In addition, notice of the public review period also will occur via posting of a notice on- and off-site (at City Hall, 100 Civic Center Drive) in the area where the Project is to be located and publication in a newspaper of general circulation in the Project area. The NOI also establishes a 30-day public review period during which comments on the adequacy of the MND document may be provided to the City of Newport Beach Planning Division.

Following the 30-day public review period, the City of Newport Beach will review any comment letters received and will determine whether any substantive comments were provided that may warrant revisions to the MND document. If substantial revisions are not necessary (as defined by CEQA Guidelines §15073.5[b]), then the MND and Initial Study would be finalized and forwarded to the Newport Beach Planning Commission and City Council for review as part of their deliberations concerning the proposed Project.

The City of Newport Beach Planning Commission has the authority to recommend, conditionally recommend, or not recommend the Project for approval by the City Council. The Newport Beach City Council has the authority to approve, conditionally approve, or deny the Project. Accordingly, public hearings will be held before the Newport Beach Planning Commission and City Council to consider the proposed Project and the adequacy of this MND. Public comments will be heard and considered at the hearings. At the conclusion of the public hearing process, the City Council will take action to approve, conditionally approve, or deny the proposed Project. If approved, the City Council will adopt findings relative to the Project's environmental effects as disclosed in the MND and a Notice of Determination (NOD) will be filed with the Orange County Clerk. If the Project is approved by the City Council, the Coastal Land Use Plan (CLUP) amendment and subsequent Coastal Development Permit (CDP) would then be considered by the California Coastal Commission. A CDP is required because the site is located in the coastal zone and subject to the California Coastal Act of 1976.



2.0 Environmental Setting

2.1 Project Location

As shown on Figure 2-1, *Regional Location Map*, and Figure 2-2, *Vicinity Map*, the proposed Project site is located within the southwestern portion of the City of Newport Beach, in the northerly section of the Balboa Peninsula. The Pacific Ocean is located approximately 0.3 miles to the west of the property and Newport Bay is located approximately 165 feet to the east. Specifically, the proposed Project site comprises approximately 1.2 acres of land located at the street addresses of 3303 and 3355 Via Lido. The site is triangular in shape and is bounded on the west by Via Oporto, on the east/northeast by Via Lido, and on the south by Via Malaga. Abutting the site on the north at the intersection of Via Lido and Via Oporto is an existing commercial office development. The subject property encompasses Assessor's Parcel Numbers (APNs) 423-112-02 and 423-112-03, and is located in the southeast quadrant of Section 28 of Township 6 south, Range 10 West, San Bernardino Baseline and Meridian.

2.2 Existing Site and Area Characteristics

2.2.1 Site Access

Primary roadway access to the Project site is provided by Via Lido, located along the eastern Project boundary, and 32nd Street, located approximately 125 feet south of the Project site. Local access is also provided by Via Oporto, located along the western Project boundary, and Via Malaga, located along the southern Project boundary. These local streets provide access to Newport Boulevard, which provides access to State Highway 1, located approximately 0.25 mile north of the Project site, and State Route 55 (SR-55), located approximately 2.0 miles north of the Project site.

2.2.2 Existing Site Conditions

Under existing conditions, the Project site is occupied by an existing, 3-story commercial office building, an existing church building (First Church of Christ), a Christian Science Reading Room, and associated surface parking lots with limited landscaping. All portions of the Project site are developed with urban uses. The commercial office building is approximately 32,469 gross square feet (s.f.) (31,290 net s.f.) of interior floor space and is occupied by a variety of businesses, including but not limited to law offices, a hair salon, restaurants, and several vacant spaces. The existing church building is approximately 7,176 gross s.f. (6,900 net s.f.) of interior floor space, while the Christian Science Reading Room building comprises approximately 1,785 gross s.f. (1,684 net s.f.) of interior floor space. A surface parking lot containing 54 spaces is located in the southwestern corner of the proposed Project site and serves both the commercial office and church uses. Street trees, shrubs, and groundcover occur along some segments of the Project's frontage with Via Lido and Via Malaga, while the site's frontage with Via Oporto includes limited vegetation (three existing mature palm trees). The Project site's frontage at Via Lido, Via Malaga, and Via Oporto contains curb-adjacent sidewalks with parking meters and street lights. Figure 2-3, *Aerial Photograph*, depicts the site's existing conditions as seen from above, while Figure 5-2 and Figure 5-3 depict views of the site from surrounding roadways.

2.2.3 Site Topography

Under existing conditions, the proposed Project site is fully developed and relatively flat exhibiting very little topographic variation. Elevations on the site range from approximately 8.5 feet above mean sea level (amsl) in the northwest corner of the site to approximately 10.6 feet amsl in the southeastern corner of the site. Overall topographic variation is approximately 2.1 feet.



Source: ESRI, CASIL, Tiger Files (USCB)



Figure 2-1
REGIONAL LOCATION MAP



Source: ESRI, City of Newport Beach

Figure 2-2
VICINITY MAP





Source: ESRI, Digital Globe

Figure 2-3
AERIAL PHOTOGRAPH





2.2.4 Surrounding Land Uses and Development

The proposed Project site is located within a portion of the City of Newport Beach that is fully developed with a variety of residential, office, and commercial land uses. As shown on Figure 2-4, *Existing and Surrounding Land Uses*, abutting the proposed Project site on the north, at the southeastern corner of Via Oporto and Via Lido, is an existing commercial office building and accessory structure currently occupied by a hair salon, real estate broker, and day spa. To the east of the proposed Project site on the opposite side of Via Lido are several existing office buildings, mixed-use (office and residential) buildings, and two-story residential homes with driveway and garage access from Via Lido. Beyond these uses is Newport Bay, with a row of boat docks along the harbor frontage. Also to the east of the Project site is the Lido Island Bridge, which the General Plan identifies as a coastal view point within the City. The Lido Island Bridge consists of a two-lane roadway with sidewalks on both sides and a bikeway separated by a wall and railing, and provides access between the Balboa Peninsula and Lido Island. To the west of the proposed Project site, westerly of Via Oporto, is the former location of the Newport Beach City Hall, which is currently being considered for redevelopment with mixed-uses, although the precise nature of future uses at the site are not yet identified. Fire Station 2 also is located at the City Hall site and is not planned for closure or relocation at this time. To the north of the former City Hall site and northwest of the Project site is an existing retail shopping center with a vacant anchor tenant that is currently undergoing tenant improvements for West Marine, a retail boat store. Beyond the shopping center is a mixture of office/commercial land uses. To the south of the proposed Project site, southerly of Via Malaga, is a commercial real estate office building and church facility (St. James Church) beyond which is a 10-story residential building at the intersection of Via Lido and Lafayette Road. A mix of retail, service commercial, office uses, a mixed commercial/residential building use, and parking lots are located southerly of 32nd Street.

2.3 Planning Context

2.3.1 On-Site General Plan, Coastal Land Use Plan, and Zoning Designations

As shown on Figure 2-5, *Existing General Plan Land Use Designations*, under existing conditions the southern 0.4 acre of the Project site (Parcel A) is designated by the Newport Beach General Plan (hereafter, "General Plan") for "Private Institutions (PI)" land uses, while the northern 0.8 acre (Parcel B) is designated for "Multiple Unit Residential (RM)" land uses. The RM land use designation "...is intended to provide primarily for multi-family residential development containing attached or detached dwelling units." The PI designation "is intended to provide for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities" (Newport Beach, 2006a, pp. 3-12 and 3-16).

The City of Newport Beach has an adopted Coastal Land Use Plan prepared in accordance with the California Coast Act of 1976. As shown on Figure 2-6, *Existing Coastal Land Use Plan Designations*, the Newport Beach Coastal Land Use Plan also designates the southern 0.4 acre of the Project site (Parcel A) for "Private Institutions (PI-B)" land uses, while the northern 0.8 acre of the Project site (Parcel B) is designated for "Multiple Unit Residential (RM-D)" land uses. As stated in the Local Coastal Program Coastal Land Use Plan, the RM-D land use designation is intended to "...provide primarily for multi-family residential development containing attached or detached dwelling units" at densities ranging from 20.0 to 29.9 dwelling units per acre (du/ac). The PI-B land use designation "...is intended to provide for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities" at a floor area ratio (FAR) ranging from 0.00 to 0.75 (Newport Beach, 2009, pp. 2-2 and 2-5).

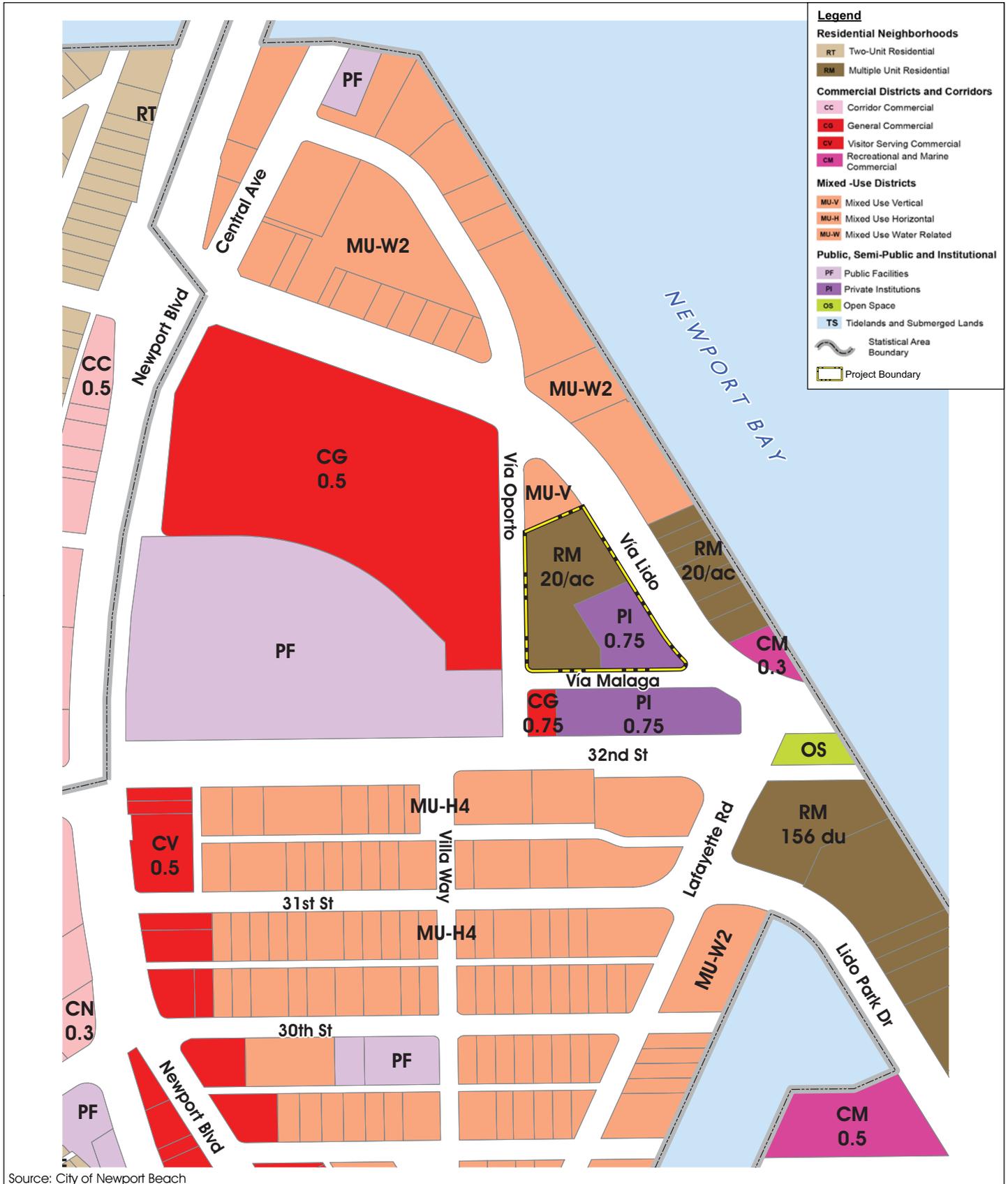


Source: ESRI, Digital Globe, City of Newport Beach

Figure 2-4



EXISTING AND SURROUNDING LAND USES

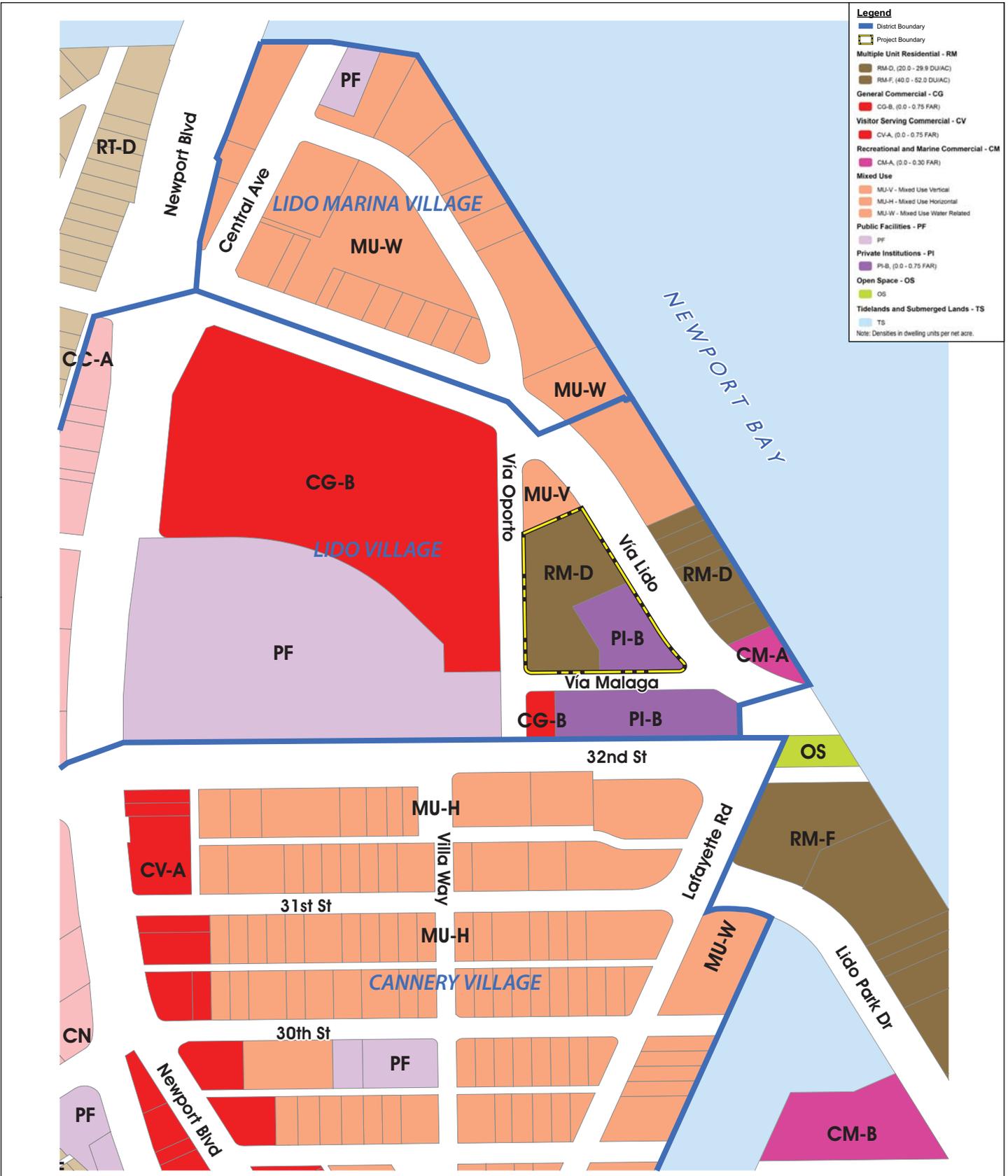


Source: City of Newport Beach

Figure 2-5



EXISTING GENERAL PLAN LAND USE DESIGNATIONS



Legend

- District Boundary
- Project Boundary
- Multiple Unit Residential - RM**
 - RM-D, (20.0 - 29.9 DU/AC)
 - RM-F, (40.0 - 52.0 DU/AC)
- General Commercial - CG**
 - CG-B, (0.0 - 0.75 FAR)
- Visitor Serving Commercial - CV**
 - CV-A, (0.0 - 0.75 FAR)
- Recreational and Marine Commercial - CM**
 - CM-A, (0.0 - 0.30 FAR)
- Mixed Use**
 - MU-V - Mixed Use Vertical
 - MU-H - Mixed Use Horizontal
 - MU-W - Mixed Use Water Related
- Public Facilities - PF**
 - PF
- Private Institutions - PI**
 - PI-B, (0.0 - 0.75 FAR)
- Open Space - OS**
 - OS
- Tidelands and Submerged Lands - TS**
 - TS

Note: Denotes in dwelling units per net acre.

Source: City of Newport Beach

Figure 2-6



EXISTING COASTAL LAND USE PLAN DESIGNATIONS



As shown on Figure 2-7, *Existing Zoning Designations*, under existing conditions, the southern 0.4 acre (Parcel A) of the Project site is zoned for “PI (Private Institutions) Zoning District” while the northern 0.8 acre of the Project site (Parcel B) is zoned for “RM (Multiple Residential) Zoning District.” The RM zoning designation “...is intended to provide for areas appropriate for multi-unit residential developments containing attached or detached dwelling units.” The PI designation “...is intended to provide for areas appropriate for privately owned facilities that serve the public, including places for assembly/meeting facilities (e.g., religious assembly), congregate care homes, cultural institutions, health care facilities, marinas, museums, private schools, yacht clubs, and comparable facilities” (Newport Beach, 2012a, §§ 20.18.010 and 20.26.010).

2.3.2 Surrounding General Plan, Coastal Land Use Plan, and Zoning Designations

As shown on Figure 2-5, General Plan designations surrounding the proposed Project site include Mixed-Use Vertical (MU-V) and Mixed-Use Water Related (MU-W2) to the north and northeast; Multiple Unit Residential (RM) and Recreational and Marine Commercial (CM) to the east; General Commercial (CG) and Private Institutions (PI) to the south; and Public Facilities (PF) and CG to the west. As shown on Figure 2-6, the Coastal Land Use Plan similarly designates the surrounding area as Mixed-Use Vertical (MU-V) and Mixed Use Water Related (MU-W) to the north and northeast; Multiple Unit Residential (RM-D) and Recreational and Marine Commercial (CM-A) to the east; General Commercial (CG-B) and Private Institutions (PI-B) to the south; and Public Facilities (PF) and CG-B to the west. As shown on Figure 2-7, zoning designations surrounding the Project site include include Mixed-Use Vertical (MU-V) and Mixed-Use Water Related (MU-W2) to the north and northeast; Multiple-Unit Residential (RM) and Commercial Recreational and Marine (CM) to the east; CG (Commercial General) and Private Institutions (PI) to the south; and CG (Commercial General) and Public Facilities (PF) to the west.

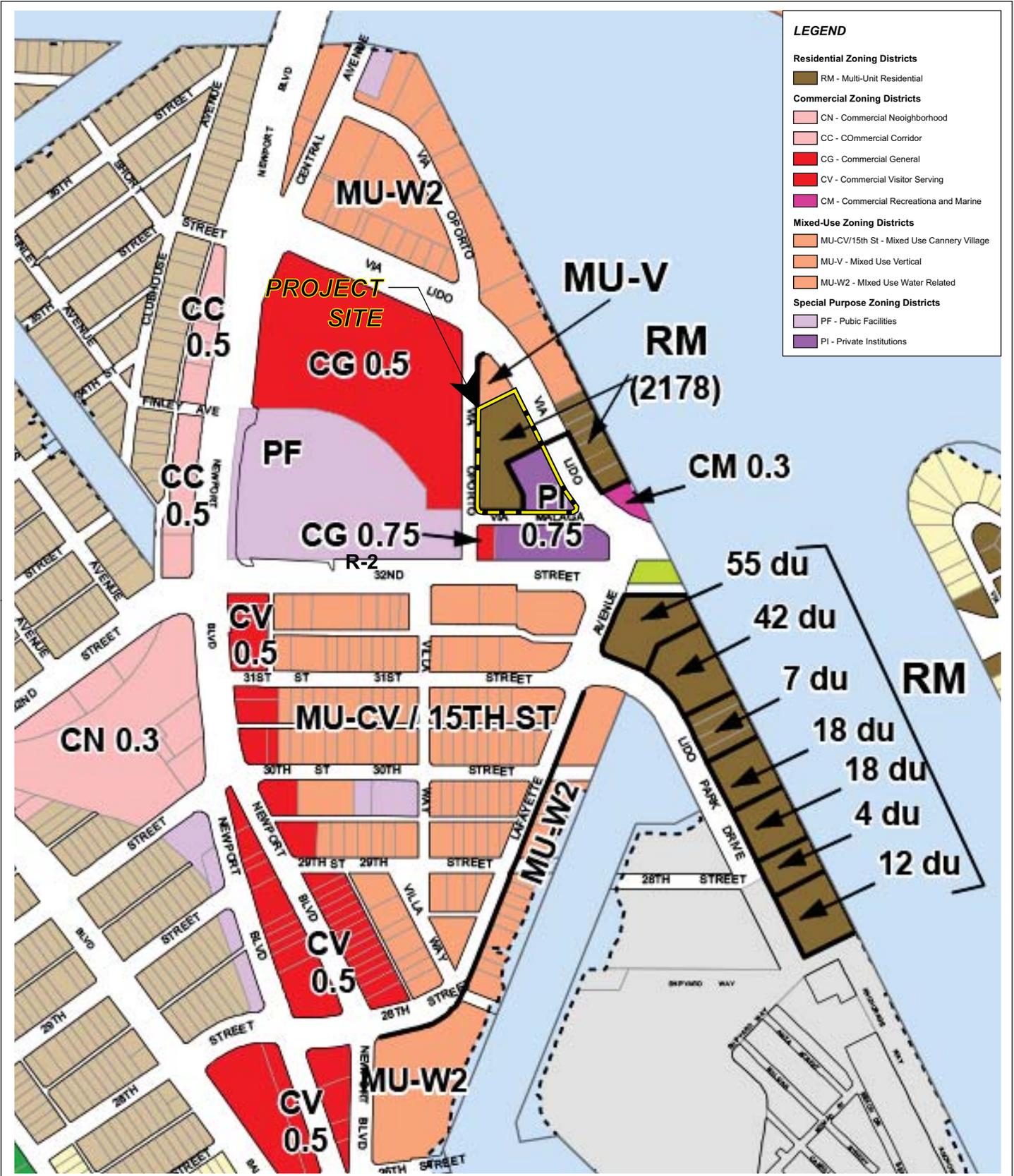
2.3.3 Airport Environs Land Use Plan for John Wayne Airport

According to the Airport Environs Land Use Plan (AELUP) for the John Wayne Airport (JWA), which is the nearest public airport to the proposed Project site, the proposed Project site is not located within the AELUP Notification Area for JWA, nor is the site subject to any impacts (safety or noise) due to airport operations. Accordingly, the proposed Project would not require review by the Airport Land Use Commission (ALUC) for Orange County. The Project site does, however, occur within the transitional flight path of the JWA Obstruction Imaginary Surfaces zone established pursuant to Federal Aviation Regulations (FAR) Part 77, although review by the ALUC only would apply if a project is proposed that exceeds the height limits established by FAR Part 77. (OCALUC, 2008)

2.4 Existing Environmental Characteristics

2.4.1 Geology

The proposed Project site is located within the Orange County coastal plain and is underlain by Quaternary alluvial and fluvial sedimentary deposits. As with much of the Southern California region, the Project site is located in an area subject to seismic hazards, with the nearest fault (Newport-Inglewood Fault Zone) occurring approximately 0.4 mile to the northwest of the Project site. The Project site is not located in an Earthquake Fault Zone per the Alquist-Priolo Special Studies Zone Map (PSI, Inc., 2012a, p. 6). Groundwater at the site is estimated to occur approximately five (5) feet below the existing grade. Potential geologic conditions of concern identified for the Project site include liquefaction hazards and potential inundation by tsunamis. (PSI, Inc., 2012a, pp. 2-7)



Source: City of Newport Beach

Figure 2-7



EXISTING ZONING DESIGNATIONS



2.4.2 Hydrology

Under existing conditions, the proposed Project site generally drains in a northwesterly direction. Underground storm drain facilities do not exist adjacent to the site. Storm water runoff surface flows off the site to the adjacent streets (Via Lido, Via Oporto, and Via Malaga), where water is collected in surface gutters and conveyed to the north. Flows are then conveyed to a catch basin where they empty into the Newport Bay. According to mapping by the Federal Emergency Management Agency (FEMA), the Project site is designated within FEMA Flood Zone “X shaded,” which indicates that the Project site is located outside of the 100-year floodplain, but within the 500-year floodplain. (C&V Consulting, 2013a, Section III.)

2.4.3 Vegetation & Wildlife

The proposed Project site is fully developed with existing buildings, a surface parking lot, sidewalks, ornamental landscaping, and hardscape. As indicated in the General Plan EIR, the Project site is not identified as containing any sensitive biological resources and is not located within any Environmental Study Areas that have the potential to support sensitive biological resources (Newport Beach, 2006b, pp. 4.3-10 and Figures 4.3-1 and 4.3-2). The Project site therefore has no potential to contain sensitive vegetation habitats or sensitive plant or animal species.

2.4.4 Historical, Archaeological, and Paleontological Resources

According to General Plan EIR Figure 4.4-1, the proposed Project site is not identified as containing any historical resources (Newport Beach, 2006b, Figure 4.4-1). None of the existing buildings are included on the National Register of Historic Places or on the California Register of Historical Resources, nor are they eligible for listing. Due to the developed nature of the Project site, the Project site is very unlikely to contain subsurface archaeological resources. The Project site also is not located within a portion of the City that is identified as having the potential to contain fossil-bearing soils or rock formations (Newport Beach, 2006b, p. 4.4-17; PSI, Inc., 2012a).

2.4.5 Mineral Resources

According to the City’s General Plan EIR, which relies on mapping conducted by the California Geological Survey (CGS) for areas known as Mineral Resources Zones (MRZs), the proposed Project site is mapped within MRZ-3. Areas mapped MRZ-3 are defined as “areas containing mineral deposits of undetermined significance” (Newport Beach, 2006b, Figure 4.5-4).

2.4.6 Agricultural Resources

The Project site is developed with urban uses and does contain agricultural uses. According to mapping conducted by the California Department of Conservation (CDC) as part of the Farmland Mapping & Monitoring Program (FMMP), the proposed Project site is identified as containing “Urban and Built-Up Land.” The Project site and surrounding areas do not contain any soils mapped by the CDC as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. (CDC, 2010)

2.4.7 Rare and Unique Resources

As required by CEQA Guidelines Section 15125(c), “Special emphasis should be placed on resources that are rare or unique to that region and would be affected by the project.” Based on the site’s existing condition and developed nature, the proposed Project site does not contain any resources that are rare or unique to the region.



3.0 Project Description

The Project evaluated by this MND is located in the City of Newport Beach, within the Lido Village Planning Sub-Area (Statistical Area B5) of the City's General Plan. The Lido Village Planning Sub-Area comprises just under 17 acres of land containing a variety of land uses, including general commercial, mixed-use (residential/commercial/office), high density housing, the former site of the Newport Beach City Hall (which was relocated in early 2013), and private institutions (churches).

The proposed Project site consists of approximately 1.2 acres of developed land bounded by the following roadways: Via Oporto to the west; Via Malaga to the south, and Via Lido to the east/northeast. The proposed Project involves the demolition and removal of two (2) existing buildings on the site and associated parking lots, preparation of the site for redevelopment, and the construction of 23 townhouses in five (5) buildings along with new landscaping, drive isles, and associated parking. The Newport Beach City Council will consider the following actions requested by the Project Applicant. In advance of the City Council's consideration, advisory recommendations regarding the actions listed below will be considered by the City's Planning Commission.

1. General Plan Amendment No. GP2012-005;
2. Coastal Land Use Plan Amendment No. LC2013-001;
3. Zoning Code Amendment No. CA2012-008;
4. Site Development Permit No. SD2013-001; and
5. Tract Map No. NT2013-001.

Each of the proposed actions is described in more detail below. If the Project is approved by the City Council, the land use amendment and project would then be considered for a Coastal Development Permit (CDP) by the California Coastal Commission. A CDP is required because the site is located in the coastal zone and is subject to the California Coastal Act of 1976.

3.1 Proposed Discretionary Approvals

3.1.1 General Plan Amendment No. GP2012-005

The City of Newport Beach General Plan assigns land uses to all areas of the City. Under existing conditions, the General Plan designates the southern 0.4 acre (Parcel A) of the Project site for "Private Institutions (PI)" land uses, while the northern 0.8 acre (Parcel B) is designated for "Multiple Unit Residential (RM)" land uses.

Proposed General Plan Amendment No. GP2012-005 seeks to change the designation of Parcel A from "Private Institutions (PI)" to "Multiple Unit Residential (RM)," whereas the existing land use designation of Parcel B would remain designated "Multiple Unit Residential (RM)." Figure 3-1, *General Plan Amendment No. GP2012-005*, shows the existing and proposed General Plan land use designations for the Project site. As stated in the General Plan, the RM land use designation "...is intended to provide primarily for multi-family residential development containing attached or detached dwelling units" (Newport Beach, 2006a, p. 3-12; Newport Beach, 2006b).

3.1.2 Coastal Land Use Plan Amendment No. LC2013-001

The City of Newport Beach has an adopted Coastal Land Use Plan, prepared in accordance with the California Coastal Act of 1976. Under existing conditions, the Newport Beach Coastal Land Use Plan

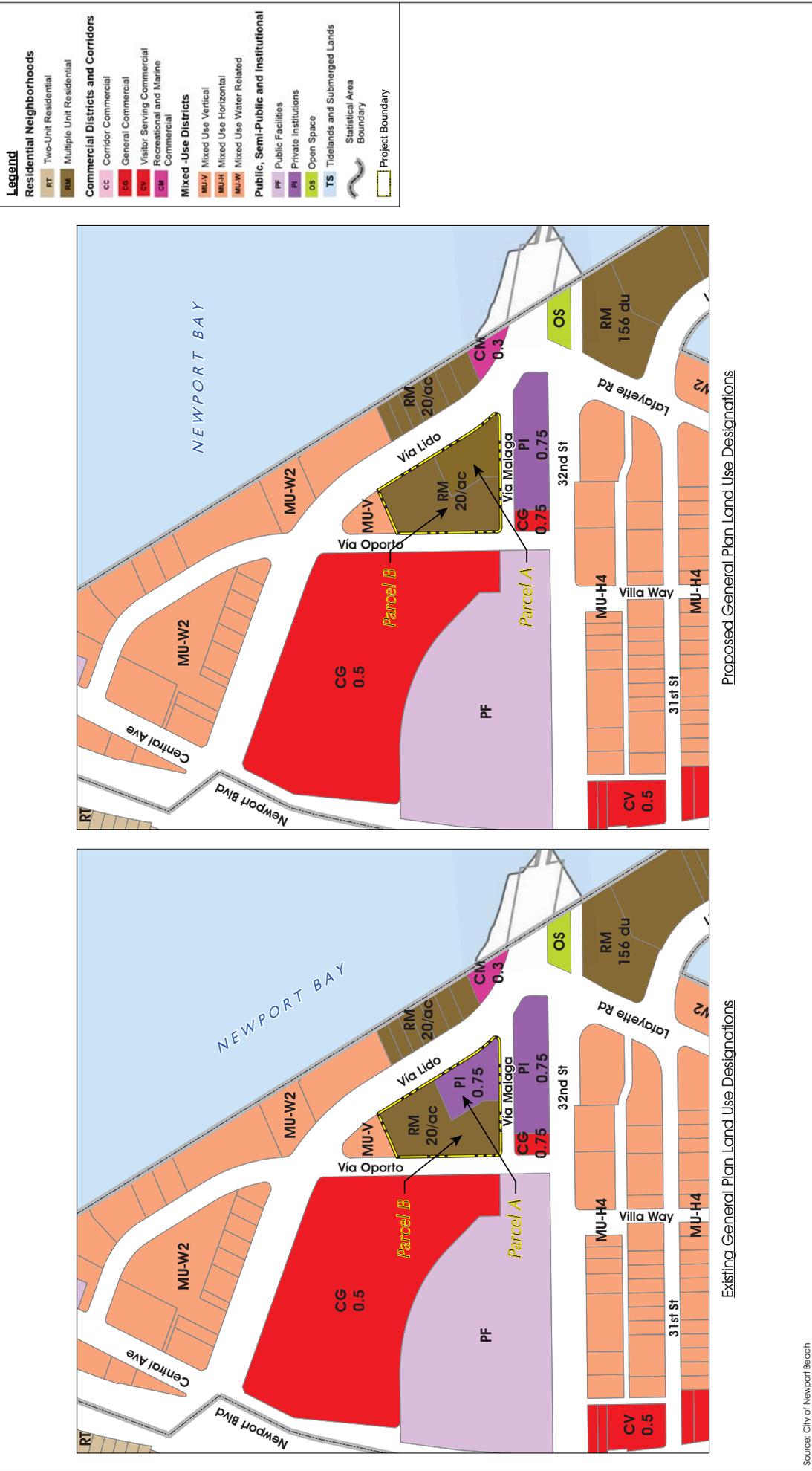


Figure 3-1
 GENERAL PLAN AMENDMENT NO. GP2012-005
 July 12, 2013
 Page 3-2



designates the southern 0.4 acre (Parcel A) of the Project site for “Private Institutions (PI-B)” land uses, while the northern 0.8 acre (Parcel B) is designated for “Multiple Unit Residential (RM-D)” land uses. Proposed Coastal Land Use Plan Amendment No. LC2013-001 seeks to change the designation of Parcel A from “Private Institutions (PI-B)” to “Multiple Unit Residential (RM-D)” to match the land use designation of Parcel B, which would remain designated “Multiple Unit Residential (RM-D).” Figure 3-2, *Coastal Land Use Plan Amendment No. 2013-001*, shows the existing and proposed Coastal Land Use Plan land use designations for the proposed Project site.

As stated in the Local Coastal Program Coastal Land Use Plan, the RM-D land use designation is intended to “...provide primarily for multi-family residential development containing attached or detached dwelling units” at densities ranging from 20.0 to 29.9 dwelling units per acre (du/ac) (Newport Beach, 2009, p. 2-2)

3.1.3 Zoning Code Amendment No. CA2012-008

The City of Newport Beach Zoning Code is contained as Title 20 “Planning and Zoning” of the City’s Municipal Code. Under existing conditions, the southern 0.4 acre (Parcel A) of the proposed Project site is zoned “PI (Private Institutions) Zoning District” while the northern 0.8 acre (Parcel B) is zoned “RM (Multiple Residential) Zoning District.” Proposed Zoning Code Amendment No. CA2012-008 seeks to apply the “Planned Community District (PC)” zoning designation to the entire 1.2-acre site. According to City Municipal Code Section 20.26.010(B) (PC (Planned Community) Zoning District), the PC Zoning District is “...intended to provide for areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment...” The PC Zoning District requirements have been met with the preparation development standards and plans for the development of the site with the proposed 23 residential townhomes in five (5) buildings, as discussed below. Figure 3-3, *Zoning Code Amendment No. CA2012-008*, depicts the site’s existing and proposed zoning designations.

3.1.3.1 Planned Community Development Plan (PC) Text

The Project’s proposed PC text identifies general conditions and regulations and provides for land use and development regulations for the Project site. The PC text is available for public review at the City of Newport Beach Planning Division, 100 Civic Center Drive, Newport Beach, CA. The components of the PC text are discussed below.

- General Conditions and Regulations. The General Conditions and Regulations of the PC identify general requirements for architectural design, building codes, flood protection, grading and erosion control, gross floor area, height and grade, landscaping/irrigation, fences/walls, outdoor lighting, lighting for parking/walkways, parking areas, sewage disposal, screening of mechanical equipment, temporary structures and uses, trash container storage, and water service.
- Land Use and Development Regulations. The Land Use and Development Regulations of the PC identify a Conceptual Site Plan for the general location and placement of the 23 townhomes, as depicted on Figure 3-4, *Proposed Site Plan*. The Land Use and Development Regulations establish a maximum density of 20 du/ac, limit development of the site to a maximum of 23 townhomes, and limit the permitted uses of the site to condominiums, recreation facilities ancillary to residential use, and parking lots. In addition, the Land Use and Development Regulations provide Development Standards for the following: floor area per unit (2,400 square feet minimum, 3,200 square foot maximum); maximum building area (63,860 square feet); maximum building height (35 feet 4 inches and 39 feet for architectural

Legend

- District Boundary
- Project Boundary
- Multiple Unit Residential - RM
 - RM-D, (20.0 - 29.9 DU/AC)
 - RM-F, (40.0 - 52.0 DU/AC)
- General Commercial - CG
 - CG-B, (0.0 - 0.75 FAR)
- Visitor Serving Commercial - CV
 - CV-A, (0.0 - 0.75 FAR)
- Recreational and Marine Commercial - CM
 - CM-A, (0.0 - 0.30 FAR)
- Mixed Use
 - MU-V - Mixed Use Vertical
 - MU-H - Mixed Use Horizontal
 - MU-W - Mixed Use Water Related
- Public Facilities - PF
 - PF
- Private Institutions - PI
 - PI-B, (0.0 - 0.75 FAR)
- Open Space - OS
 - OS
- Tidelands and Submerged Lands - TS
 - TS

Note: Densities in dwelling units per net acre.



Proposed Coastal Plan Land Use Designations



Existing Coastal Plan Land Use Designations

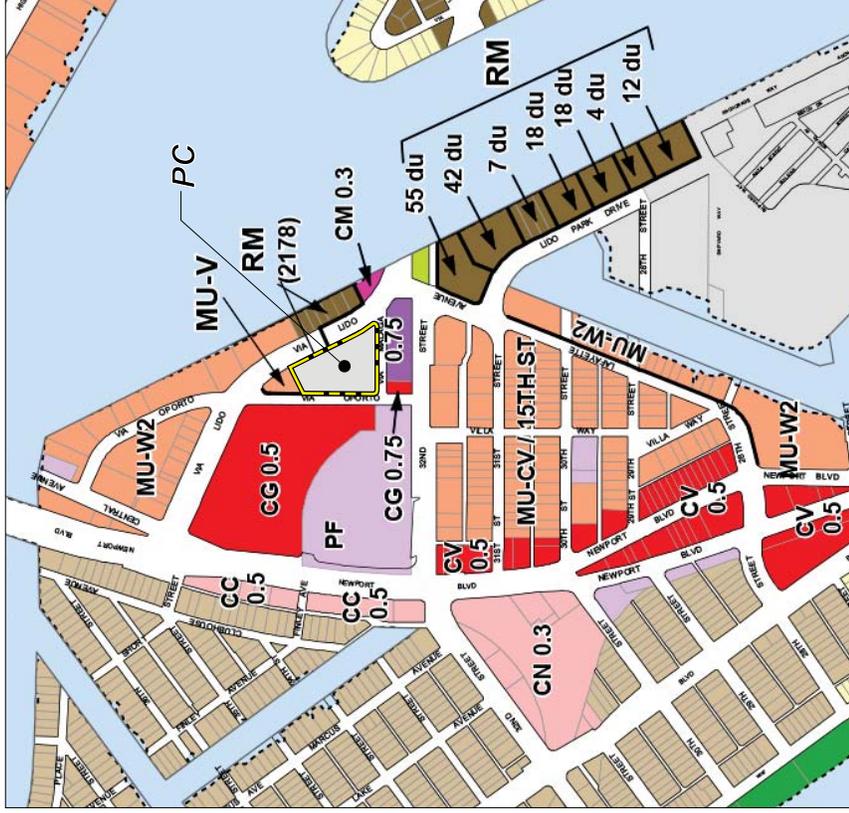
Source: City of Newport Beach



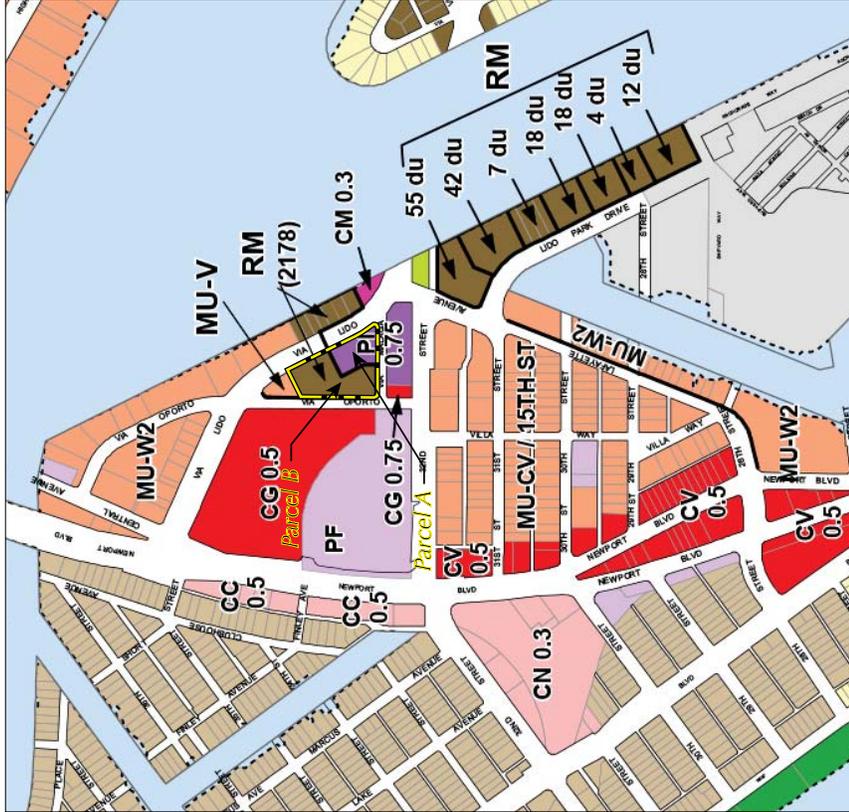
Lido Villas Residential Development
Lead Agency: City of Newport Beach

LEGEND

Residential Zoning Districts	RM - Multi-Unit Residential
Commercial Zoning Districts	CN - Commercial Neighborhood CC - Commercial Corridor CG - Commercial General CV - Commercial Visitor Serving CM - Commercial Recreations and Marine
Mixed-Use Zoning Districts	MU-CV/15th St - Mixed Use Corridor Village MU-V - Mixed Use Vertical MU-W2 - Mixed Use Water Related
Special Purpose Zoning Districts	PF - Public Facilities PI - Private Institutions PC - Planned Community



Proposed Zoning Designations

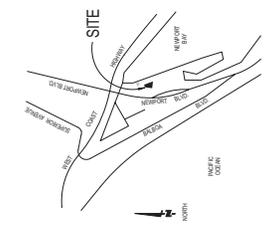


Existing Zoning Designations

Source: City of Newport Beach



Lido Villas Residential Development
Lead Agency: City of Newport Beach



PARKING ANALYSIS
 REQUIRED PARKING: 44 (COMBINE WITH EXISTING)
 PROVIDED PARKING: 44 (COMBINE WITH EXISTING)
PROJECT INFORMATION:
 PROJECT NAME: LIDO VILLAS RESIDENTIAL DEVELOPMENT
 PROJECT ADDRESS: 1000 VIA LIDO, NEWPORT BEACH, CA 92659
 PROJECT OWNER: DONALDSON ARCHITECTS
 ARCHITECT: DONALDSON ARCHITECTS
 DATE: 07/12/2013

1 VICINITY MAP
NOT TO SCALE

EASEMENTS

- TITLE INFORMATION**
 THE FOLLOWING INFORMATION HAS BEEN OBTAINED FROM THE RECORDS OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA.
- ITEM 1: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 2: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 3: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 4: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 5: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 6: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 7: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 8: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 9: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 10: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 11: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 12: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 13: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.
 - ITEM 14: DEED TO THE PARTIES DESCRIBED IN THE INSTRUMENT RECORDED MAY 24, 1993 AS BOOK 214, PAGE 100.

Figure 3-4
Proposed Site Plan
July 12, 2013
Page 3-6



projections); building setbacks (as described below); parking (2 attached garage spaces per dwelling unit plus 0.5 surface guest spaces per dwelling unit); common open space (75 square feet per dwelling unit); private open space (five percent of the gross floor area with minimum width of six feet); landscaping and irrigation requirements; lighting; mechanical equipment; telephone, gas, and electrical service; grading; outdoor storage; and sign allowances and standards.

Setback requirements from adjacent roadway rights-of-way and property lines as specified by the PC include the following:

- Via Lido: 9 feet at first floor
4 feet 5 inches at second floor
- Via Oporto: 6 feet 1 inch at first floor
3 feet at second floor
- Via Malaga: 7 feet 3 inches at first floor
6 feet 6 inches at second floor
- Interior Setbacks adjacent to Nonresidential Use Districts: 5 feet

Where the standards of the PC text conflict with the regulations of the Newport Beach Municipal Code, the regulations contained in the PC regulations would take precedence. The Newport Beach Municipal Code would continue to regulate development of the site concerning all standards that are not covered by the PC text.

3.1.4 Site Development Review No. SD2013-001

Site Development Review No. SD2013-001 is required to fulfill the requirements of Municipal Code § 20.52.080 (Site Development Reviews) because the Project would consist of a residential development with five (5) or more dwelling units with a tentative map. The purpose of the site development review is to review the Project plans for compliance with the adopted Planned Community Text. As part of Site Development Review No. SD2013-001, the City will review the PC text and plans, as well as the Project's Tentative Map, to ensure the following objectives are met:

1. Ensure consistency with General Plan policies related to the preservation of established community character, and expectations for high quality development;
2. Respect the physical and environmental characteristics of the site;
3. Ensure safe and convenient access and circulation for pedestrians and vehicles;
4. Allow for and encourage individual identity for specific uses and structures;
5. Encourage the maintenance of a distinct neighborhood and/or community identity;
6. Minimize or eliminate negative or undesirable visual impacts;
7. Ensure protection of significant views from public right(s)-of-way in compliance with § 20.30.100 (Public View Protection); and
8. Allow for different levels of review depending on the significance of the development project.

3.1.4.1 Site Plan

The Proposed Site Plan is depicted on Figure 3-4 (previously depicted). The Site Plan identifies the location and orientation of buildings, drive aisles, surface parking, existing and proposed property lines, and existing fire hydrant locations. As shown, residential buildings would consist of one (1) duplex, one (1) four-plex building, one (1) five-plex building, and two (2) six-plex buildings. The Site Plan also identifies the applicable setback distances for each of the five (5) proposed buildings. A maximum



buildable area (site area minus setback area) is established as 47,878 square feet (s.f.). A Parking Analysis is also provided, which indicates that the proposed Project is required to provide a minimum of 46 garage spaces and 12 guest parking spaces, all of which are accommodated on the Project site.

3.1.4.2 Preliminary Grading Plan

The Preliminary Grading Plan is depicted on Figure 3-5, *Preliminary Grading Plan*. The Preliminary Grading Plan identifies proposed elevations for drive aisles, curbs, and the finished floor of the proposed townhouses. Proposed slope angles for drive aisles and the front yards of each proposed structure would range from a minimum 0.5% to a maximum of 5.0%. The Conceptual Grading Plan also identifies that the Project's access driveways from Via Oporto and Via Malaga would each be 24 feet in width.

The Conceptual Grading Plan incorporates an On-Street Parking Diagram. As part of the Project, three (3) on-street parking stalls would be added along the site's frontage (two (2) stalls along Via Oporto and one (1) stall along Via Malaga), while three existing parking stalls would be removed to accommodate the Project's planned driveway locations. In addition, an existing loading zone and 10-minute parking zone along Via Lido would be converted to three (3) additional metered parking stalls. In total, there would be no net change in the number of on-street parking spaces available along the Project site's frontage (28 on-street parking stalls total).

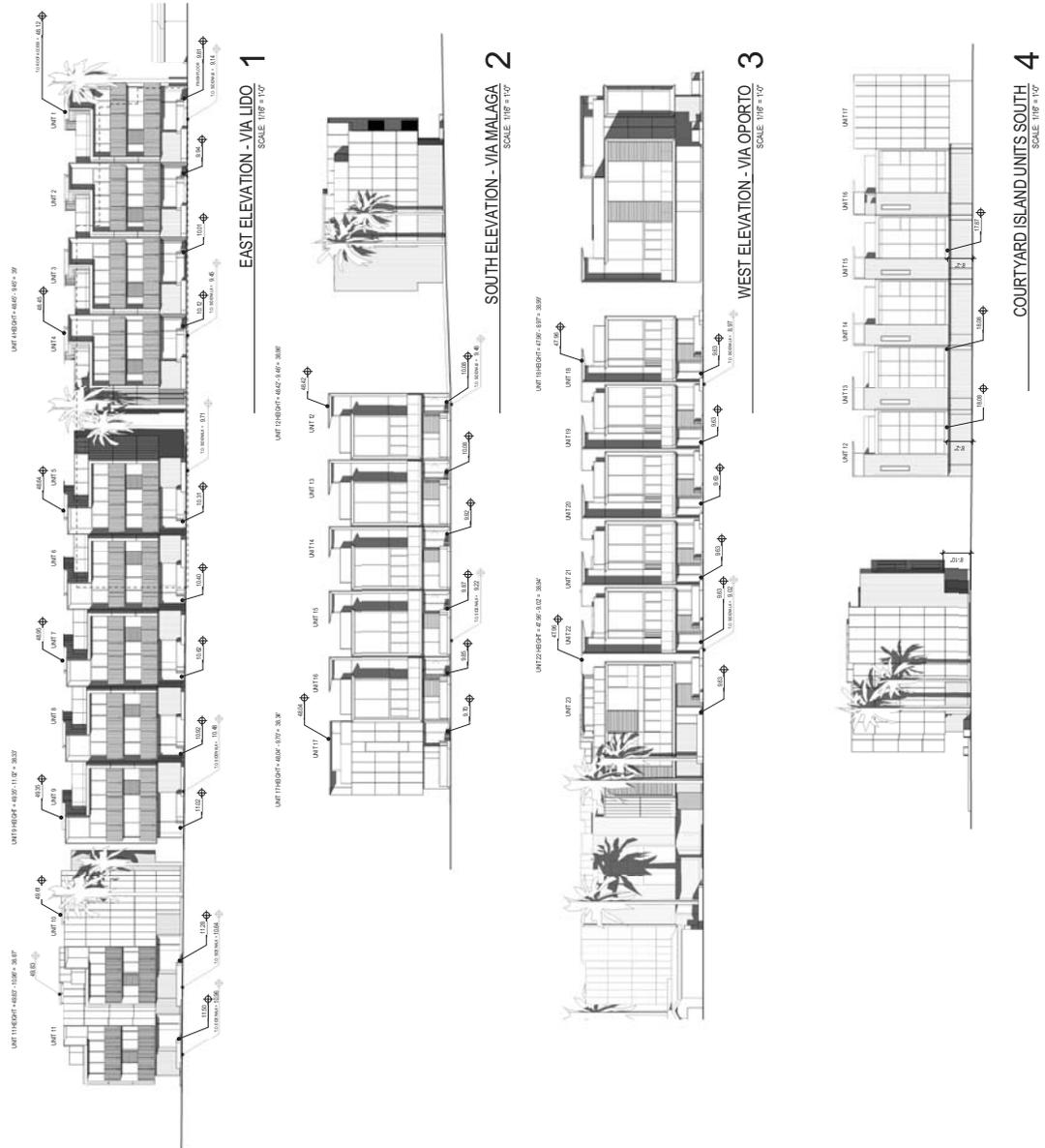
3.1.4.3 Building Elevations

Building Elevations are shown on Figure 3-6, *Building Elevations*. The building elevations depict the conceptual architectural characteristics of the buildings as they would appear along Via Lido (east elevation), Via Malaga (south elevation), and Via Oporto (west elevation). As shown, when measured from the existing/proposed grade, all of the proposed buildings would measure 39 feet to the top of the roof access, 35 feet 4 inches to the top of the guardrail, and 32 feet 5 inches to the top of the roof deck. Each building would consist of three (3) stories, with the first floor at grade, the second floor at nine feet, eight inches above grade, and the third floor at 20 feet, two inches.

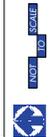
3.1.4.4 Unit Plans

The Project plans include unit plans showing the floor plans of each residential structure. As previously mentioned, residential buildings would consist of one (1) duplex, one (1) four-plex building, one (1) five-plex building, and two (2) six-plex building, for a total of 23 townhouse units. Twelve of the proposed units would offer three bedrooms and the remaining 11 units would offer two (2) bedrooms.

All units along Via Lido (11 units) would consist of three-bedroom townhouses with a two-car garage, bedroom, and bathroom on the first floor; two bedrooms (including the master bedroom) and two bathrooms on the second floor; and a living room, dining room, kitchen area, and powder room on the third floor. All units along Via Malaga (six (6) units) would consist of two-bedroom units and would include a garage, bedroom, and bathroom on the first floor; a living room, dining room, kitchen, powder room, and laundry room on the second floor; and a den, master bedroom, and bathroom on the third floor. The westerly most unit facing Via Malaga would consist of a two-bedroom unit with a two-car garage, bedroom, and bathroom on the first floor; a living room, kitchen, and powder room on the second floor; and the master bedroom and bathroom on the third floor. Six (6) units would be provided along Via Oporto. Five (5) of these units would be similar to those provided along Via Malaga. The northern-most unit along Via Oporto would consist of a three-bedroom unit with a two car garage, bedroom, and bathroom on the first floor; a kitchen, dining area, living room, and powder room on the second floor; and two bedrooms (including the master bedroom) and two bathrooms on the third floor. Each unit type could accommodate a spa and outdoor use area on the roof deck.



Source: Shubin + Donaldson Architects



Lido Villas Residential Development
Lead Agency: City of Newport Beach



Proposed townhouse units would range in size from 2,452.6 gross s.f. (along Via Oporto and Via Malaga) to 3,167.85 gross s.f. (along Via Lido).

3.1.4.5 Landscape Site Plan

Figure 3-7, *Landscape Site Plan*, depicts the proposed landscape site plan for the Project and Figure 3-8, *Landscape Planting Plan*, depicts the proposed location and type of trees, shrubs, and groundcover. As shown, street trees (Gold Medallion or Water Gum) and groundcover would be planted along the site's street frontages. The corner of Via Lido and Via Malaga would feature a common open space area with low seatwall/planter, accent palm, and water feature with spillway. Other common open space areas (located at the north end of the site along Via Lido and the southwest corner of the site at the corner of Via Malaga and Via Oporto) would be improved with enhanced paving, seating, and landscaping (including accent palms). In front of each townhouse unit, a low stone planter wall would be provided along with a 38-inch high stained wood privacy fence. All unit entries are designed to be improved with enhanced paving. At the northern end of the site that does not front a public street, a six-foot high masonry wall would be constructed with hedges planted in front of the wall. The Project's on-site drive aisles would feature enhanced paving. Shade trees would be provided at the guest parking area in the center of the site and additional trees and palms would be provided within additional landscape pockets throughout the proposed development. Pursuant to the Project's Water Quality Management Plan (WQMP) (Technical Appendix D), the Project would install pervious pavement areas on-site to increase the amount of infiltration of site runoff into the ground prior to being discharged from the site (C&V Consulting, 2013b, pp. 13-15).

3.1.4.6 Open Space Calculations

Open space areas proposed on the Project site are depicted on Figure 3-9, *Open Space Calculations*. As shown, the Project's common open space requirement would be met within three separate areas, including a 505 s.f. area at the corner of Via Malaga and Via Lido, a 294 s.f. area at the corner of Via Malaga and Via Oporto, a 1,037 s.f. area along Via Lido, and an additional 647 s.f. area along Via Lido. The Planned Community Development Plan designates a requirement for open space that is consistent with Chapter 20.18.020 (Residential Zoning Districts Land Uses and Permit Requirements) of the City's Zoning Code, which requires that residential uses within the RM zone provide a minimum of 75 square feet of common open space per unit, with a minimum dimension of 15 feet. As shown, a total of 2,483 s.f. of open space would be provided with a minimum dimension of 15 feet, which would exceed the Project's requirement to provide a minimum of 1,725 s.f. of open space.

3.1.4.7 Preliminary Utility Plan

The Project plans include a preliminary utility plan that depicts the location of proposed sewer mains, domestic water mains, sewer manholes, water meters, and utility easements, in addition to the location of existing utility lines that would serve the Project. According to the preliminary utility plan, existing domestic water lines and sewer lines currently located on the property would be relocated and placed beneath the on-site drive aisles within proposed utility easements. Sewer lines would connect to an existing 15-inch sewer main beneath the Via Lido right-of-way. Domestic water service lines would connect to an existing 6-inch water line located beneath the Via Oporto right-of-way.

3.1.4.8 Hose Pull and Hydrant Plan (Fire Protection)

The Project plans include a Hose Pull and Hydrant Plan that depicts how the proposed Project would comply with the City's fire protection requirements. A required 20-foot emergency access route would



LEGEND	
1	LOW STONE PLANTER WALL
2	38" HIGH STAINED WOOD PRIVACY FENCE
3	ENHANCED PAVING
4	GLOWING GLASS AND STONE ADDRESS MARKER AT EACH RESIDENCE ENTRY, TYPICAL
5	COMMON OPEN SPACE AREA WITH ENHANCED PAVING, SEATING AND LANDSCAPE
6	ENHANCED VEHICULAR PAVING
7	GUEST PARKING AREA
8	WATER FEATURE WITH SPILLWAY
9	LOW SEATWALL/PLANTER WITH SPECIMEN PALM
10	6" HIGH MASONRY WALL WITH HEDGE PLANTING
11	NEW STREET TREE
12	SPECIMEN SHADE TREE

NOTE: SEE PLANTING PLAN FOR PLANTING INFORMATION

Source: LRM



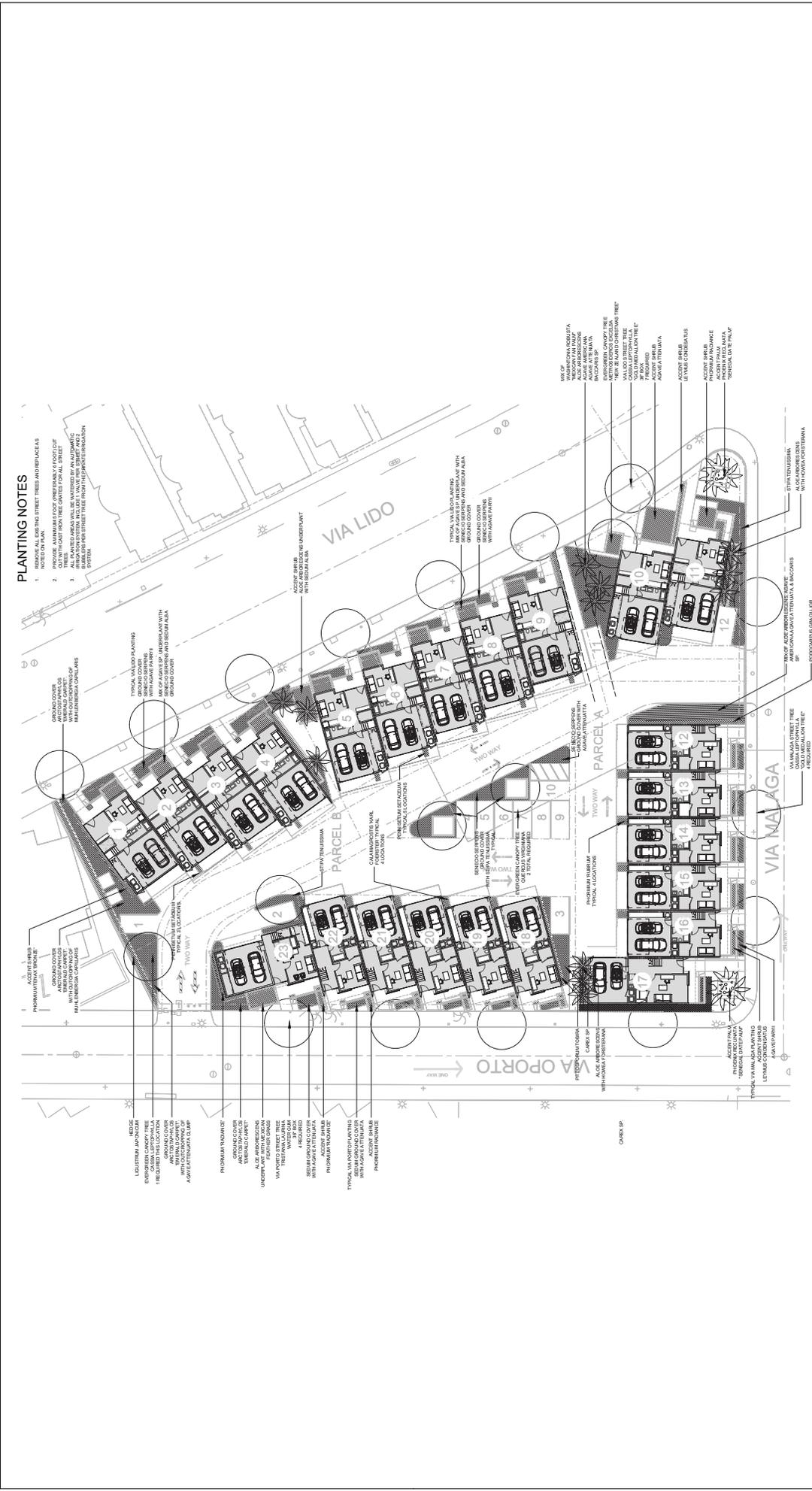


Figure 3-8 Landscape Planning Plan July 12, 2013



OPEN SPACE REQUIREMENTS	
75 SF REQUIRED PER UNIT	
75 X 23 UNITS = 1,725 SF OF OPEN SPACE REQUIRED	
2,483 SF OF OPEN SPACE PROVIDED	



Source: LRM





be provided through the proposed Project site. Existing fire hydrants would remain on the property (one hydrant would be relocated along Via Malaga). The Hose Pull and Hydrant Plan demonstrates that the site would be served with adequate fire hydrants, as the distance from each hydrant to all areas of the site would not exceed a distance of 400 feet. The existing fire hydrants are estimated to have a calculated flow of 3,575 gallons per minute (gpm) at 20 pounds per square inch (psi).

3.1.5 Tentative Tract Map No. 17555 (NT2013-001)

As shown on Figure 3-10 and Figure 3-11, *Tentative Tract Map No. 17555*, the Project proposes a condominium subdivision map to consolidate six underlying parcels and facilitate development of the site with 23 multifamily townhouse condominiums. Tentative Tract Map No. 17555 indicates the locations of the 23 proposed units, parking areas, and drive aisles; depicts the planned topographic elevations for the site and buildings; identifies the locations of existing and planned wet and dry utility improvements and connections; depicts the location of planned improvements in relation to existing streets (note: public streets are not proposed for improvement as part of the Project); provides for drainage improvements on-site; identifies the location of existing and proposed fire hydrant locations; and provides for the abandonment of five (5) existing utility easements and the establishment of a 20-foot wide emergency access easement and proposed utility easements on-site, including a ten-foot wide sewer easement that would be provided in the southeastern corner of the Project site and would facilitate a connection to the existing sewer main located in Via Lido.

3.1.6 Approvals Required from Other Agencies

Assuming that the City Council approves the Project's proposed Coastal Land Use Plan Amendment No. LC2013-001, the Coastal Land Use Plan Amendment would require review and approval from the California Coastal Commission (CCC) as part of a noticed public hearing. If the Coastal Land Use Plan Amendment is approved by the CCC, then the Project Applicant would subsequently be required to apply for a Coastal Development Permit. Since the City of Newport Beach does not have a certified Local Coastal Program, the Project Applicant would be required to obtain a Coastal Development Permit (CDP) from the CCC, wherein the CCC would review the proposed development for conformance with the City's Coastal Land Use Plan (as amended by the proposed Project) and for consistency with the objectives and requirements of the Coastal Zone Conservation Act.

In addition, the Project would require a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board (RWQCB).

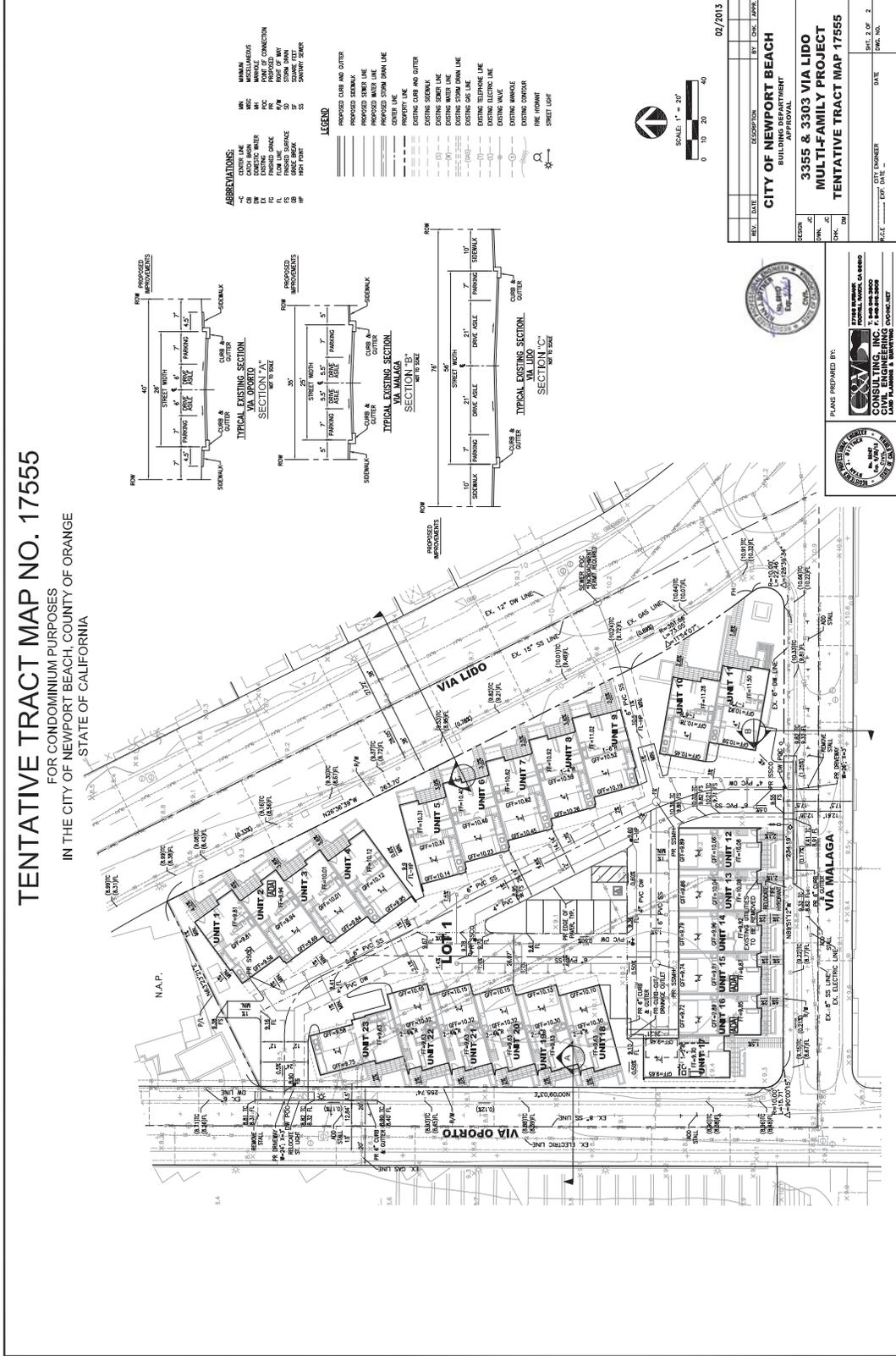
3.2 Project Technical Characteristics

3.2.1 Demolition

In order to construct the proposed Project, existing buildings and associated site improvements located on the property would be demolished and cleared from the site. A demolition permit could not be issued by the City of Newport Beach until after issuance of a CDP by the CCC. Buildings to be demolished include an existing office building (32,469 gross s.f.) and an existing church building (7,176 gross s.f.) and associated church reading room (1,785 gross s.f.). In total, 41,430 gross s.f. of building area would be demolished. Additionally, the site's existing 54-space off-street parking lot and landscape and hardscape areas would be removed to prepare the site for redevelopment. Short sidewalks sections along Via Malaga and Via Oporto where the Project's proposed access driveways would connect to these streets also would be removed. Demolition activities on-site are projected to result in the creation of approximately 1,905.78 tons of debris (Urban Crossroads, 2013, p. 3). Demolition

TENTATIVE TRACT MAP NO. 17555

FOR CONDOMINIUM PURPOSES
IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE
STATE OF CALIFORNIA



Source: C & V Consulting Eng.



Lido Villas Residential Development
Lead Agency: City of Newport Beach

Figure 3-11
Tract Map No. 17555 (Sheet 2 of 2)
July 12, 2013
Page 3-17



activities would occur over a period of approximately two (2) months (Wieland-Davco Corporation, 2013). All demolition debris generated as part of the Project would be disposed of off-site. The disposal location has not been determined, but is expected to be delivered to the Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in Irvine (approximately 21.7 roadway miles from the proposed Project site) (Newport Beach, 2006b, p. 4.14-39). According to information provided from the Project Applicant, demolition debris would be recycled where possible, but all such recycling would occur off-site; none of the site's demolition debris would be used during construction of the proposed Project (Wieland-Davco Corporation, 2013).

3.2.2 Anticipated Construction Schedule

The Project Applicant estimates that construction activities associated with the proposed Project would occur over an approximately 24-month duration (Wieland-Davco Corporation, 2013). Construction would occur in distinct sequential phases, including: demolition, site grading, foundation construction, building construction, concrete installation, and landscaping.

3.2.3 Construction Equipment

Table 3-1, *Construction Equipment by Construction Phase*, indicates the construction equipment that the Project Applicant anticipates the construction contractor(s) would use during each phase of Project construction.

Table 3-1 Construction Equipment by Construction Phase

Construction Phase	Dozer (tracks)	Excavator/Backhoe	Loader	Skid Steer	Forklift	Crane	Boom/Manlift	Roller/Compactor	Welding Machine
Demo	1	2	1	1					
Site Grading	1	2							
Foundation		1		1	1			1	
Building Construction					1	1	2		2
Site Concrete				1				1	

Source: Wieland-Davco Corporation, 2013 (Technical Appendix F)

3.2.4 Construction Employees

The Project Applicant anticipates that over the course of the proposed Project's construction, a maximum of 80 construction workers would be employed by the construction activity; however, certain phases of construction would require substantially fewer workers. The maximum number of construction workers on-site would occur during the overlap of rough framing and rough installation of the mechanical, electrical, and plumbing (i.e., during building construction). (Wieland-Davco Corporation, 2013)

3.2.5 Off-Site Improvements

Off-site improvements associated with the proposed Project would be limited to: 1) construction of the Project's two driveway connections at Via Oporto and Via Malaga; 2) construction of new sidewalk sections where the property's existing driveway connections at Via Oporto and Via Malaga would be removed; 3) the installation of a six-inch sewer line beneath the Via Lido right-of-way that extends



approximately 38 feet from the Project boundary; and 4) the construction of a new sewer manhole within Via Lido. The western half of Via Lido would be temporarily closed northerly of Via Malaga during installation of the Project's sewer connection. During the closure, temporary traffic control measures would be implemented to ensure safe and efficient traffic flow through the affected road segment. The Project Applicant anticipates that Via Lido would be partially closed for approximately one week for excavation, installation, and connection of the new sewer line, and up to one (1) additional week during re-paving of the street surface (Wieland-Davco Corporation, 2013).

3.2.6 Future Population

According to the City's 2006 General Plan Update Environmental Impact Report (EIR), the City of Newport Beach averages approximately 2.19 persons per household (pph) (Newport Beach, 2006b). Accordingly, the Project's proposal to replace existing office and church uses on the Project site with 23 townhome units would result in an increase to the City's population of approximately 50 persons ($23 \times 2.19 = 50.37$ persons).



4.0 Project Information

1. Project Title

Lido Villas

2. Lead Agency Name and Address

City of Newport Beach
Community Development Department
Planning Division
100 Civic Center Drive (P.O. Box 1768)
Newport Beach, CA 92658-8915

3. Contact Person and Phone Number

Ms. Makana Nova, Assistant Planner
Planning Division, (949) 644-3249

4. Project Location

The proposed Project site consists of an approximately 1.2-acre site bounded by Via Lido to the east/northeast, Via Oporto to the west, and Via Malaga to the south, within the City of Newport Beach's Lido Village Sub-Area (Statistical Area B5). The site's existing address is 3303 and 3355 Via Lido, Newport Beach, CA 92663. Figure 2-2 and Figure 2-3 (previously presented) depict the proposed Project site's location.

5. Project Sponsor's Name and Address

Dart Development Group
500 Hogsback Road
Mason, MI 48854

6. General Plan Designation

The southern 0.4 acre (Parcel A) is designated by the General Plan for "Private Institutions (PI)," while the northern 0.8 acre (Parcel B) is designated for "Multiple Unit Residential (RM)."

7. Zoning

The southern 0.4 acre (Parcel A) of the proposed Project site is zoned as "PI (Private Institutions) Zoning District" while the northern 0.8 acre (Parcel B) is zoned as "RM (Multiple Residential) Zoning District."

8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the Project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Please refer to Section 3.0 for a detailed description of the proposed Project.

**9. Surrounding Land Uses and Setting: Briefly describe the Project's surroundings:**

As previously discussed and presented on Figure 2-4, the Project site is located within a portion of the City of Newport Beach that has been fully developed with a variety of residential, office, and commercial land uses. Abutting the proposed Project site on the north, at the southeastern corner of Via Oporto and Via Lido, is an existing commercial office building and accessory structure occupied by a hair salon, real estate broker, and day spa. To the east of the proposed Project site (easterly of Via Lido) are a mixed-use building and several existing office buildings (located northeast of the Project site) and several existing residential dwelling units (located immediately east of the Project site). Beyond these uses is the Newport Bay, with a row of boat docks along the harbor frontage. To the west of the proposed Project site, westerly of Via Oporto, is the former location of the Newport Beach City Hall, which is currently being considered for redevelopment with mixed-uses, although the precise nature of future uses at the site have not been identified. To the north of the former City Hall site (and northwest of the Project site) is an existing retail shopping center (anchored by retail boat sales tenant, West Marine), beyond which is a mixture of office/commercial land uses. To the south of the proposed Project site, southerly of Via Malaga, is a commercial office building and church facility (St. James Church).

10. Other Public Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement)

The Project's proposed amendment to the City's Coastal Land Use Plan and subsequent issuance of a Coastal Development Permit would require discretionary review and approval by the California Coastal Commission, both for the approval of the Project's Coastal Land Use Plan Amendment and for the future issuance of a Coastal Development Permit. The City of Newport Beach would be responsible for issuing ministerial approvals for future implementing projects, including (but not necessarily limited to) the following: final map(s), grading permit(s), building permit(s), and encroachment permit(s). The Project also would require issuance of a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board (RWQCB). The proposed Project would not require discretionary review or approval by any other public agencies.



5.0 Environmental Checklist and Environmental Analysis

5.1 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less than Significant with Mitigation Incorporated," as indicated by the checklist on the following pages. There were no issues identified as a "Potentially Significant Impact."

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/ Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/ Traffic | <input type="checkbox"/> Utilities/ Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

5.2 Determination (To Be Completed By the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	<input type="checkbox"/>
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	<input checked="" type="checkbox"/>
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	<input type="checkbox"/>
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	<input type="checkbox"/>
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	<input type="checkbox"/>

Submitted by: Makana Nova, Assistant Planner, Planning Division (Signature)

Date

**5.3 City of Newport Beach Environmental Checklist Summary**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
I. AESTHETICS				
Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
II. AGRICULTURE AND FOREST RESOURCES				
Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY				
Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b)	Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. BIOLOGICAL RESOURCES					
Would the Project:					
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
V. CULTURAL RESOURCES				
Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI. GEOLOGY AND SOILS				
Would the Project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS				
Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HAZARDS AND HAZARDOUS MATERIALS				
Would the Project:				
a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY				
Would the Project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
X. LAND USE AND PLANNING				
Would the Project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. MINERAL RESOURCES				
Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. NOISE				
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIII. POPULATION AND HOUSING				
Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XVI. TRANSPORTATION/TRAFFIC				
Would the Project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</i>				
b) <i>Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Result in inadequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES & SERVICE SYSTEMS				
Would the Project:				
a) <i>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g)	Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



5.4 Evaluation of Environmental Impacts

5.4.1 Aesthetics

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) <i>Have a substantial adverse effect on a scenic vista?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Substantially degrade the existing visual character or quality of the site and its surroundings?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

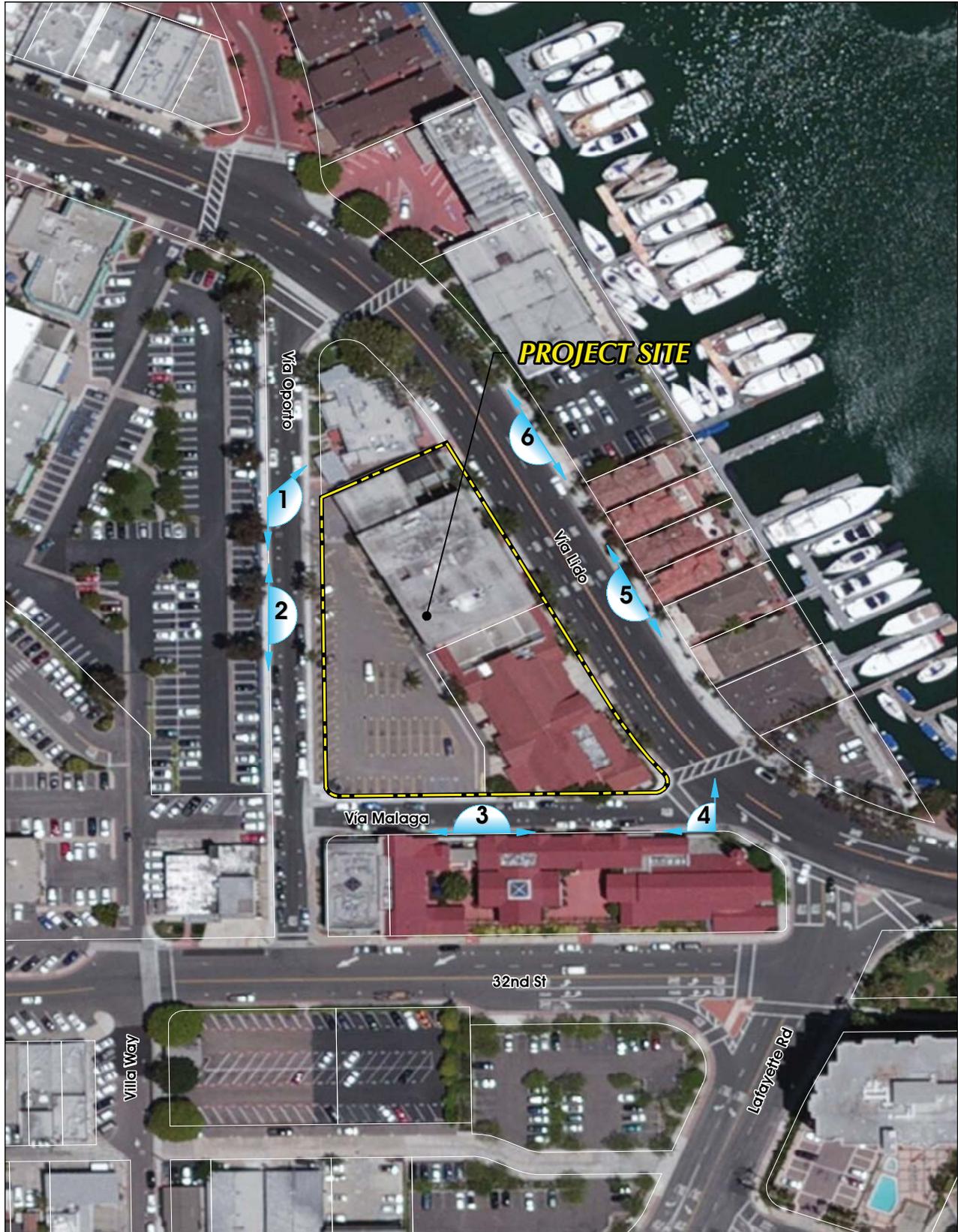
5.4.1.1 Aesthetics: Environmental Setting

Existing Site Conditions

The proposed Project site encompasses approximately 1.2 acres of land bordered by the following roadways: on the west by Via Oporto, on the south by Via Malaga, and on the east by Via Lido. Under existing conditions, the Project site is a developed property with two buildings and a surface parking lot. To help illustrate the existing aesthetic conditions of the Project site, a photographic inventory was conducted on May 2, 2013. Figure 5-1, *Site Photos Key Map*, along with the six (6) site photographs shown on Figure 5-2 and Figure 5-3, depict the existing conditions of the Project site as viewed from the surrounding area, which include views from the west/northwest, south, and east.

As shown in the photographic inventory, the Project site is fully developed. The northern building (see Site Photos 1 and 2 on Figure 5-2) consists of a three-story commercial building with a flat roof. The exterior materials of this structure consist of windows, stucco, brick, and earth-toned railing. Commercial signage is visible above the first floor of the building. The surface parking lot on the property is prominently visible from this location. The site's southern building is a church with an attached Christian Science reading room. This building is one and two stories in height and its exterior façade materials consist of stucco and glazing. In Photos 1 and 2, the church building is visible above the cars in the parking lot although landscaping largely obstructs views of the church façade from this location. The roofing materials of the church are prominently visible. As shown on Figure 5-2, the site's existing buildings and surrounding development fully obstruct public views to Via Lido and Newport Bay beyond. A 10-story residential building is visible in the distance to the southeast, which can clearly be seen in Photo 2.

From the south (see Site Photo 3 on Figure 5-2), the site's surface parking lot dominates foreground views from the intersection of Via Oporto and Via Malaga, while the church building is partially obstructed from view by existing landscaping and several brick walls. Public views to Via Lido and Newport Bay beyond are blocked by the site's buildings and surrounding development and landscaping, with the exception of due-east views from travelers on Via Malaga. From the intersection of Via Malaga and Via Lido (see Photo 4 on Figure 5-3), views of the site are dominated by the church building. Views further to the northeast are obstructed by the existing buildings on the site.



Source: ESRI, Digital Globe, City of Newport Beach



Figure 5-1
SITE PHOTOS KEY MAP



Figure 5-2

SITE PHOTOS 1-3

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Figure 5-3

SITE PHOTOS 4-6

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As shown on Site Photos 5 and 6 (Figure 5-3), views of the Project site from the east are of the site's existing building façades fronting Via Lido. As shown, the existing one- and two-story church building and reading room is constructed in a Spanish Colonial Revival style with pitched clay tile roof, white stucco façade, and arched windows and entryways. The commercial retail building is constructed in a modern Post-WWII style with three stories and a flat roof. Façade materials include stucco, brick, and glazing. A blue awning is installed above the first story on the southern portion of the building. As shown on Figure 5-3, views to the west of the Project site are fully obstructed by the existing buildings from this location.

General Plan Visual Resources Policies

The Natural Resources Element of the City's General Plan identifies goals and policies for the protection of visual resources within the City. The General Plan also identifies key vantage points for protection and/or enhancement, which are depicted on Figure 5-4, *General Plan Coastal Views Map*. As shown on Figure 5-4, the General Plan identifies the Lido Island Bridge approaches (located immediately east of the proposed Project site), as well as views from Lido Park Drive towards the Rhine Channel (located approximately 450 feet southeast of the Project site), as public view points. Applicable General Plan policies related to the City's public view points are as follows:

- Policy NR 20.1 Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.*
- Policy NR 20.3 Protect and enhance public view corridors from the [Lido Island Bridge], and other locations may be identified in the future.*

Figure 5-5, *Photos from Lido Island Bridge*, depicts Lido Park and the Lido Island Bridge and associated views of the Project site as viewed from the bridge, and also depicts the primary focal point of this view location (i.e., towards Newport Bay). As shown, the Lido Island Bridge consists of a two-lane roadway with sidewalks on both sides and a bikeway separated by a wall and railing, and provides access between the Balboa Peninsula and Lido Island. Users of the bridge are afforded clear views of Newport Bay to both the north and south, along with existing development and boat docks located along the coast of the harbor. These viewpoints are focused primarily on the adjacent waterways and the Project site is not within this viewshed.

Lido Village Design Guidelines

The City of Newport Beach adopted the Lido Village Design Guidelines in December 2011, which provide design standards for the Lido Village Sub-Area. The Lido Village Design Guidelines are intended to guide future development within the Sub-Area to foster cohesive and attractive development within Lido Village. The proposed Project site is located within the Lido Triangle Planning Area of the Lido Village Design Guidelines. The Design Guidelines include the following goals applicable to the Lido Triangle:

- Improvements should be sensitive to the less intensive existing land uses of worship and residential sites.
- Traffic calming devices should be incorporated into Via Lido to promote safe street environments for residents and patrons.
- Building massing should be more horizontal in form, reinforcing the pedestrian interface.
- Pursue added joint parking opportunities.



Source: Newport Beach, 2006a, Figure NR3



Figure 5-4
GENERAL PLAN COASTAL VIEWS MAP



Figure 5-5

PHOTOS FROM LIDO ISLAND BRIDGE

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The Design Guidelines also incorporate design standards for pedestrianization/edge conditions, architecture, landscaping, hardscape treatments, walls, signage, and lighting. Compliance with the Lido Village Design Guidelines would be reviewed as part of the Site Development Review Permit and would be assured through the City's future review of building permits, as required by § 20.16.020 (General Requirements for Development and New Land Uses) of the City's Zoning Code.

Scenic Highways

The State Legislature created a Scenic Highway Program in 1963, which is intended to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. There are no officially designated scenic vistas or scenic highways within the City of Newport Beach; however, State Route 1 (SR-1) is identified as Eligible for State Scenic Highway designation. (Newport Beach, 2006b, p. 4.1-13)

City of Newport Beach Zoning Code Requirements for Lighting

Section 20.30.070 (Outdoor Lighting) of the City's Zoning Code regulates outdoor lighting, and includes standards that are intended "...to reduce the impacts of glare, light trespass, overlighting, sky glow, and poorly shielded or inappropriately directed lighting fixtures..." (Newport Beach, 2012a, § 20.30.070).

5.4.1.2 Aesthetics: Impact Analysis

a) Would the Project have a substantial adverse effect on a scenic vista?

Finding: Less-than-Significant Impact. The proposed Project would not result in a substantial adverse effect to a scenic vista. Impacts would be less-than-significant and mitigation is not required.

The Project site is developed with two buildings and a surface parking lot that is surrounded by urban development. As shown in the photographs on Figure 5-2 and Figure 5-3, when looking toward the Project site, the existing buildings on the property and development immediately surrounding the property obstruct distant views. Newport Bay is located approximately 165 feet to the east of the site, but as illustrated in the photographs on Figure 5-2 and Figure 5-3, it is only visible from public views surrounding the site when looking due-east from the Via Malaga right-of-way along the Project site's southern boundary and from Via Lido looking east. Because the Project site is located on the west side of Via Lido and the north side of Via Malaga, development on the site has no potential to block Bay views from these roadways.

Public views of scenic vistas available at the Project site are limited to views along the existing roadway corridors surrounding the Project site. The demolition and clearing of the two existing buildings and surface parking lot on the Project site and redevelopment of the property with 23 new three-story townhomes would not obstruct these existing views. Accordingly, there would be no substantial change to scenic views available to the public within the Project area.

The General Plan identifies Lido Park, the Lido Island Bridge, and the right-of-way along Lido Park Drive adjacent to the Rhine Channel as key vantage points within the City. Scenic public views from these approaches are primarily oriented towards waters of Newport Bay, its boat slips, and the bridge itself. Development of the Project site as proposed would not markedly change the developed nature of the site's existing visual character, as the Project would merely replace existing urban development (i.e., one-, two- and three-story commercial/office and church uses and an associated surface parking lot) with 23 new three-story townhomes.



The Project site is located northwest of the Lido Island Bridge along a segment of Via Lido that is at an obtuse angle to the bridge, although the southeastern portions of the Project site are visible from western portions of the bridge (as shown on Figure 5-5). While a portion of the proposed Project's townhouses would be visible from the Lido Island Bridge, this would not represent a significant impact to the vantage points available from the bridge and would not obstruct any scenic views. Buildings proposed as part of the Project would be a maximum of 35 feet 4 inches in height, with architectural projections up to 39 feet. The existing office building on the northern portion of the Project site measures approximately 35 feet in height; accordingly, the residential buildings proposed as part of the Project would be similar to the existing building in terms of bulk and scale. Portions of the on-site church building and particularly its pitched clay tile roof and the upper stories of the on-site commercial office building are already visible from the western portions of the bridge under existing conditions and no scenic views beyond the Project site are available. The portion of the church building and upper stories of the commercial office building that are currently visible would be replaced with townhome units, two of which at the intersection of Via Lido and Via Malaga would be prominently visible from the western portion of the bridge. As shown on Figure 3-8, these townhouse units would be partially screened from view by proposed landscape treatments and would appear as a continuation of surrounding development, as does the existing church building and its associated landscaping. Furthermore, visually significant views from the Lido Island Bridge approaches consist of views toward Newport Bay and Lido Island, and the proposed Project would not obstruct or detract from those views. Thus, the Project would have a less-than-significant impact on the quality of these existing views.

Due to intervening development located immediately south of the proposed Project site, none of the proposed townhouses would be visible from viewpoints along Lido Park Drive; accordingly, the Project would have no impact on the quality of existing views from Lido Park Drive.

Based on the foregoing analysis, the proposed Project would not result in a substantial adverse effect to a scenic vista, and impacts would be less than significant.

b) *Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

Finding: No Impact. The Project site is not visible from a State scenic highway and has no potential to substantially damage scenic resources in a State scenic highway. No impact would occur and mitigation is not required.

Although there are no State scenic highways in the City of Newport Beach, Highway 1 (West Coast Highway), is identified as Eligible for State Scenic Highway designation. Due to intervening development and topography, no portion of West Coast Highway is visible from the Project site, nor would any of the Project's proposed buildings be visible from West Coast Highway. Furthermore, under existing conditions the Project site does not contain any scenic rock outcroppings, historic buildings listed on or eligible for the National Register of Historic Plans. Trees at the site are limited to street trees along the Project's frontages and primarily along Via Lido that are not scenic resources. As shown on Figure 3-8, the Project proposes to increase the number of street trees provided along the site's frontage with abutting roadways, Via Oporto and Via Malaga. Because the Project site is not visible from any State scenic highways and the proposed Project would not substantially damage any scenic resources, there would be no impact to State scenic highways as a result of Project implementation.



c) *Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?*

Finding: Less-than-Significant Impact. The proposed Project would not substantially degrade the existing visual character or quality of the site. A less-than-significant impact would occur and mitigation is not required.

The Planned Community Development Plan (PC-Text) for Lido Villas, which is included as part of the Project's Zoning Code Amendment application, includes architectural design standards as follows:

All development shall be designed with high quality architectural standards and shall be compatible with the surrounding uses. The development should be well-designed with coordinated, cohesive architecture and exhibiting a high level of architectural and landscape quality in keeping with the community's prominent location on the Balboa Peninsula. Massing offsets, variation of roof lines, varied textures, openings, recesses, and design accents on all building elevations shall be provided to enhance the architectural style. Architectural treatments for all ancillary facilities shall be provided. (Newport Beach, 2013a, Section 2.0)

Compliance with these design standards would be ensured through the City's review of the Site Development Review application and future review of building permits. In addition, and as more fully discussed in Section 5.4.10 (Land Use and Planning) the Project would comply with the various provisions of the City's Lido Village Design Guidelines, including requirements related to architecture and landscaping (Newport Beach, 2011b). Compliance with the requirements of the PC-Text and the Lido Village Design Guidelines would ensure that future development of the site is done in a manner that would not substantially degrade the existing visual character or quality of the Project site.

The proposed Project also would not substantially degrade the existing visual character of the site or its surroundings. Architectural and landscaping elements of the proposed Project would be visually compatible with existing surrounding developments. As shown on Figure 5-6, *Lido Villas Architectural Rendering*, the architectural concept for the proposed Project would include off-setting planes, variable rooflines, ground-level landscaping, railings along the upper floors, and a street frontage dominated by glazing. Additionally, all of the proposed townhome units would be oriented with the front doors facing adjacent streets (i.e., Via Lido, Via Malaga, and Via Oporto). These characteristics are similar in nature to the existing commercial building located on the northern portion of the site, as well as the more modern architectural style of the property located north of the site at 3388 Via Lido. As compared to existing conditions, the Project's architecture would represent an aesthetic improvement over the existing commercial office building, which features somewhat outdated architectural characteristics and lacks off-setting planes and variable roofline features. Although the architectural style would be more modern than the Spanish Colonial Revival style of the existing church building, the townhome structures would have a comparable array of design features including offsets, variation of roof lines, and other design accents that are characteristic of new developments throughout the City. The proposed townhouse units also are proposed to have railing and glazing features at the street frontage similar to the features exhibited by the existing commercial office building, complimented by an architectural style that is visually compatible with surrounding properties. Thus, the proposed change in the site's architectural character would not result in the degradation of the existing visual character or quality of the site.

Based on the foregoing analysis, the proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings, and a less-than-significant impact would occur.



VIEW LOOKING SOUTH EAST VIA LIDO

Source: Shubin + Donaldson Architects



Lido Villas Residential Development
Lead Agency: City of Newport Beach



d) *Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views?*

Finding: Less-than-Significant Impact. No component of the proposed Project would introduce a new source of substantial light or glare. A less-than-significant impact would occur and mitigation is not required.

The proposed Project site is located within a portion of the City of Newport Beach that is fully developed, and experiences a substantial amount of ambient light from existing urban uses (e.g., neon signs, glass building facades, streetlights, parking lot lighting, automotive headlights, etc.) (Newport Beach, 2006b, p. 4.1-13). Moreover, under existing conditions, the Project site already contains artificial exterior lighting elements associated with the property's existing buildings and street lights installed along the Project's public street frontages. Exterior nighttime lighting fixtures associated with the Project's proposed 23 townhouses would primarily include lights installed on building faces and to illuminate the interior drive aisles and common parking area. The lighting intensity would be similar to that which occurs on the site under existing conditions. Accordingly, lighting elements proposed as part of the Project would not result in a new source of substantial light or glare that could affect surrounding land uses.

To further ensure that light and glare impacts are less than significant, the proposed Project's PC-Text incorporates standards related to outdoor lighting, as follows:

All new outdoor lighting shall be designed, shielded, aimed, located and maintained to shield adjacent uses/properties and to not produce glare onto adjacent uses/properties. Lighting plans shall be prepared in compliance with the Outdoor Lighting Section of the Newport Beach Municipal Code and shall be prepared by a licensed electrical engineer. All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans. (Newport Beach, 2013a, Section 2.0; Newport Beach, 2013b)

In addition, the City's Lido Village Design Guidelines require new development to "[r]educe excessive use of outdoor flood lighting by shielding fixtures or directing light downward" (Newport Beach, 2011b, p. 3-8; Newport Beach, 2011c). As previously indicated, the proposed Project would be required to comply with the above-cited Project lighting requirements of the PC, which are consistent with the lighting requirements of the Lido Village Design Guidelines.

Furthermore, all development within the City is required to comply with Section 20.30.070 (Outdoor Lighting) of the City's Zoning Code, as referenced in the PC-Text, including the following requirements:

All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures (Newport Beach, 2012a, § 20.30.070.A.1).

Spotlighting or floodlighting used to illuminate buildings, statues, signs, or any other objects mounted on a pole, pedestal, or platform or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the feature with minimum spillover. The lighting shall not shine directly into the window of a residence or directly into a roadway. Light fixtures attached to a building shall be directed downward (Newport Beach, 2012a, § 20.30.070.C).



Additionally, none of the Project's proposed building materials would consist of reflective materials, except for minimum reflectivity of proposed windows on the structures, which is similar in character to existing development in the surrounding area as well as the structures located on the site under existing conditions. As such, substantial glare impacts would not occur. A photometric study may be required prior to the issuance of building permits for exterior lighting and the Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

Mandatory compliance with the PC-Text, Lido Village Design Guidelines, and the City's Zoning Code would be assured through the Site Development Review application and future review of building permit applications, to ensure that all lighting elements proposed as part of the future development are designed to prevent the creation of substantial light or glare that could affect day or nighttime views in the area. Accordingly, implementation of the proposed Project would result in a less-than-significant impact due to new sources of light or glare.

5.4.1.3 Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts due to aesthetics; accordingly, mitigation measures are not required.

5.4.2 Agriculture and Forestry Resources

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



5.4.2.1 Agriculture and Forestry Resources: Environmental Setting

Forest Resources

The proposed Project site and surrounding land areas are fully developed with urban uses under existing conditions. There are no forest resources on the site or within the vicinity of the proposed Project site.

Agricultural Resources

The City of Newport Beach, including the proposed Project site, is almost entirely built-out and does not contain any significant agricultural resources (Newport Beach, 2006b, Appendix A, p. 23). Additionally, according to mapping conducted by the California Department of Conservation (CDC) as part of the Farmland Mapping & Monitoring Program (FMMP), the proposed Project site is identified as containing “Urban and Built-Up Land.” The Project site and surrounding areas do not contain any soils mapped by the CDC as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. (CDC, 2010)

5.4.2.2 Agriculture and Forestry Resources: Impact Analysis

a) *Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Finding: No Impact. The proposed Project would not impact Farmland and mitigation is not required.

The proposed Project site and surrounding areas do not contain any lands that are mapped by the California Resources Agency as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (“Important Farmland”). Accordingly, implementation of the proposed Project would result in no impact to Important Farmlands and has no potential to convert farmlands to non-agricultural use.

b) *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Finding: No Impact. The Project has no potential to conflict with agricultural zoning designations or to impact agricultural lands subject to a Williamson Act Contract. No impact would occur and mitigation is not required.

The proposed Project parcels are currently zoned for “PI (Private Institutions) Zoning District” and “RM (Multiple Residential) Zoning District.” As part of the Project, these existing zoning designations would be changed to “Planned Community District (PC).” Zoning designations surrounding the Project site include Mixed-Use Water Related (MU-W2) and Mixed-Use Vertical (MU-V) to the north and northeast; Multiple-Unit Residential (RM) and Mixed-Use Water Related (MU-W2) to the east; General Commercial (CG) and Private Institutions (PI) to the south; and General Commercial (CG) and Public Facilities (PF) to the west. There are no existing or proposed agricultural zoning designations affecting the site or surrounding areas. As such, the Project has no potential to conflict with agricultural zoning designations, and no impact would occur. (Newport Beach, 2010)

According to information available from the California Department of Conservation (CDC), there are no agricultural lands subject to a Williamson Act Contract within the City of Newport Beach. Accordingly, the proposed Project would have no potential to conflict with lands subject to Williamson Act contracts. (CDC, 2012)



c) *Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

Finding: No Impact. The proposed Project has no potential to conflict with existing forest land, timberland, or timberland zoned Timberland Production acres. No impact would occur and mitigation is not required.

There are no lands within the City of Newport Beach, including the proposed Project site and properties surrounding the Project site, that are zoned for forest land, timberland, or timberland zoned Timberland Production (Newport Beach, 2010). Accordingly, the proposed Project has no potential to impact properties zoned for forest land or timberland.

d) *Would the Project result in the loss of forest land or conversion of forest land to non-forest use*

Finding: No Impact. The proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur and mitigation is not required.

The City of Newport Beach, including the proposed Project site and properties surrounding the Project site, does not contain any forest lands (Newport Beach, 2006b, Table 3-2). Accordingly, the proposed Project has no potential to result in the loss of forest land or convert forest land to non-forest use.

e) *Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

Finding: No Impact. The proposed Project would not involve any changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use. No impact would occur and mitigation is not required.

As indicated in the analysis presented above under the discussion and analysis of Thresholds a) through d) of this section, the Project site and surrounding areas do not contain any lands that are used for farmland or forest land. Accordingly, the proposed Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use. No impact would occur.

5.4.2.3 Agriculture and Forestry Resources: Mitigation Measures

Implementation of the proposed Project would not impact agriculture and forest lands; accordingly, mitigation measures are not required.

5.4.3 Air Quality

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) <i>Conflict with or obstruct implementation of the applicable air quality plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5.4.3.1 Air Quality: Environmental Setting

Existing Air Quality

The Project site is located in the South Coast Air Basin (SCAB, or “Basin”) within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD monitors levels of various criteria pollutants at 30 monitoring stations throughout the air district. In 2011, the federal and state standards were exceeded on one or more days for O₃, PM₁₀, and PM_{2.5} at most monitoring locations while state standards of NO_x¹ also were exceeded. No areas of the SCAB exceeded federal or state standards for SO₂, CO, sulfates, or lead. Table 5-1, *Attainment Status of Criteria Pollutants in the SCAB*, depicts the current attainment designations for the SCAB.

Applicable Environmental Regulations

◆ Federal Regulations

The U.S. EPA is responsible for setting and enforcing the National Ambient Air Quality Standards (NAAQS) for O₃, CO, NO_x, SO₂, PM₁₀, PM_{2.5}, and lead. The U.S. EPA has jurisdiction over emissions sources that are under the authority of the federal government including aircraft, locomotives, and emissions sources outside state waters (Outer Continental Shelf). The U.S. EPA also establishes emission standards for vehicles sold in states other than California. Automobiles sold in California must meet the stricter emission requirements of the California Air Resources Board (CARB).

The Federal Clean Air Act (CAA) was first enacted in 1955, and has been amended numerous times. The CAA establishes the federal air quality standards, the NAAQS, and specifies future dates for achieving compliance. The CAA also mandates that states submit and implement State Implementation Plans (SIPs) for local areas not meeting these standards. These plans must include pollution control measures that demonstrate how the standards will be met.

¹ Note: NO_x refers to both nitrogen oxide (NO) and nitrogen dioxide (NO₂). In the atmosphere, NO reacts with partly oxidized organic species to form NO₂, which is then converted by sunlight to reform NO. As such, both gases contribute to NO₂ levels in the atmosphere, and are therefore effectively regulated by both state and federal standards. For purposes of discussion herein, NO₂ and NO_x are used interchangeably.

**Table 5-1 Attainment Status of Criteria Pollutants in the SCAB**

Criteria Pollutant	State Designation	Federal Designation
Ozone - 1 hour standard	Nonattainment	No Standard
Ozone - 8 hour standard	Nonattainment	Extreme Nonattainment ¹
PM ₁₀	Nonattainment	Serious Nonattainment
PM _{2.5}	Nonattainment	Nonattainment
Carbon Monoxide	Attainment	Attainment/Maintenance
Nitrogen Dioxide	Nonattainment ²	Attainment/Maintenance
Sulfur Dioxide	Attainment	Attainment
Lead	Attainment/Nonattainment ³	Attainment/Nonattainment ⁴
All others	Attainment/Unclassified	Attainment/Unclassified

Source: California Air Resources Board 2010 (<http://www.arb.ca.gov/regact/2010/area10/area10.htm>, <http://www.arb.ca.gov/degis/feddesig.htm>)

- 1 The USEPA approved redesignation from Severe 17 to Extreme Nonattainment on May 5, 2010 to be effective June 4, 2010.
- 2 The SCAB was reclassified from attainment to nonattainment for nitrogen dioxide on March 25, 2010.
- 3 Los Angeles County was reclassified from attainment to nonattainment for lead on March 25, 2010; the remainder of the SCAB is in attainment of the State Standard.
- 4 The Los Angeles County portion of the SCAB is classified as nonattainment; the remainder of the SCAB is in attainment of the State Standard.

The 1990 amendments to the CAA that identify specific emission reduction goals for areas not meeting the NAAQS require a demonstration of reasonable further progress toward attainment and incorporate additional sanctions for failure to attain or to meet interim milestones. The sections of the CAA most directly applicable to the development of the project site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions were established with the goal of attaining the NAAQS for the following criteria pollutants O₃, NO₂, SO₂, PM₁₀, CO, and lead. The NAAQS were amended in July 1997 to include an additional standard for O₃ and to adopt a NAAQS for PM_{2.5}.

Mobile source emissions are regulated in accordance with Title II provisions. These provisions require the use of cleaner burning gasoline and other cleaner burning fuels such as methanol and natural gas. Automobile manufacturers are also required to reduce tailpipe emissions of hydrocarbons and nitrogen oxides (NO_x). NO_x is a collective term that includes all forms of nitrogen oxides (NO, NO₂, NO₃) which are emitted as byproducts of the combustion process.

◆ California Regulations

The CARB, which became part of the California Environmental Protection Agency (EPA) in 1991, is responsible for ensuring implementation of the California Clean Air Act (AB 2595), responding to the federal CAA, and for regulating emissions from consumer products and motor vehicles. The California CAA mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the state ambient air quality standards by the earliest practical date. The CARB established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, establishes standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride.

Serious non-attainment areas are required to prepare air quality management plans that include specified emission reduction strategies in an effort to meet clean air goals. These plans are required to include:

- Application of Best Available Retrofit Control Technology to existing sources;



- Developing control programs for area sources (e.g., architectural coatings and solvents) and indirect sources (e.g. motor vehicle use generated by residential and commercial development);
- A District permitting system designed to allow no net increase in emissions from any new or modified permitted sources of emissions;
- Implementing reasonably available transportation control measures and assuring a substantial reduction in growth rate of vehicle trips and miles traveled;
- Significant use of low emissions vehicles by fleet operators;
- Sufficient control strategies to achieve a five percent or more annual reduction in emissions or 15 percent or more in a period of three years for volatile organic compounds (VOCs; formerly identified as reactive organic gases (ROGs) by the EPA), NO_x, CO and PM₁₀. However, air basins may use alternative emission reduction strategy that achieves a reduction of less than five percent per year under certain circumstances.

◆ *SCAQMD Rule 403*

SCAQMD Rule 403 addresses fugitive dust, and requires control measures to reduce fugitive dust from active operations, storage piles, or disturbed surfaces so as not to be visible beyond the property line or exceed 20 percent opacity. Rule 403 requires the implementation of Best Management Practices (BMPs) during construction, including the following requirements: application of water on disturbed soils three times per day, covering haul vehicles, replanting disturbed areas as soon as practical, and restricting vehicle speeds on unpaved roads to 15 mph or less, to control fugitive dust.

Air Quality Management Planning

Currently, the NAAQS and CAAQS are exceeded in most parts of the SCAB (as shown in Table 5-1). In response, the SCAQMD has adopted a series of Air Quality Management Plans (AQMPs) to meet the state and federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy. The SCAQMD prepared an updated air quality management plan, which was adopted in 2012 (2012 AQMP). The 2012 AQMP was based on assumptions provided by both the California Air Resources Board (CARB) and the Southern California Association of Governments (SCAG) in the latest available EMFAC model for the most recent motor vehicle and demographics information, respectively. The 2012 AQMP assumes that development associated with the build-out of general plans, specific plans, residential projects, and wastewater facilities will be constructed in accordance with population growth projections identified by SCAG in its 2012 Regional Transportation Plan (RTP). The 2012 AQMP also assumes that such development projects would implement strategies to reduce emissions generated during the construction and operational phases of development.

Regional Significance Thresholds

California Environmental Quality Act (CEQA) allows for the significance criteria established by the applicable air quality management or air pollution control district to be used to assess impacts of a project on air quality. The SCAQMD has established regional daily thresholds of significance for air quality for construction activities and project operations, as shown in Table 5-2, *SCAQMD Regional Significance Thresholds*.

**Table 5-2 SCAQMD Regional Significance Thresholds**

<i>Air Pollutant</i>	<i>Construction</i>	<i>Operations</i>
Volatile Organic Compounds (VOC)	75 lbs/day	55 lbs/day
Nitrogen Oxides (NO _x)	100 lbs/day	55 lbs/day
Carbon Monoxide (CO)	550 lbs/day	550 lbs/day
Sulfur Oxides (SO _x)	150 lbs/day	150 lbs/day
Particulates (PM ₁₀)	150 lbs/day	150 lbs/day
Fine particulates (PM _{2.5})	55 lbs/day	55 lbs/day

Source: SCAQMD, 2011. <http://aqmd.gov/ceqa/handbook/signthres.pdf>

Localized Significance Thresholds

The SCAQMD developed localized significance thresholds (LSTs) for emissions of NO₂, CO, PM₁₀, and PM_{2.5} generated at individual project sites (off-site mobile-source emissions are not included the LST analysis). LSTs represent the maximum emissions at a project site that are not expected to cause or contribute to an exceedance of the most stringent federal or state Ambient Air Quality Standards (AAQS). LSTs are based on the ambient concentrations of that pollutant within the project Source Receptor Area (SRA) and the distance to the nearest sensitive receptor. LST analysis for construction is applicable for all projects of five acres and less; however, it can be used as screening criteria for larger projects to determine whether or not dispersion modeling may be required. The construction LSTs for the proposed Project site (1.2 acres, studied at its actual proposed disturbance area of a 1.196 acres) assuming that the entire site would be simultaneously disturbed within 25 meters (approximately 82 feet) are shown in Table 5-3, *SCAQMD Localized Significance Thresholds (Screening Level Analysis)*. If emissions exceed the LSTs (after mitigation), then dispersion modeling would need to be conducted to determine whether potential impacts would occur.

Table 5-3 SCAQMD Localized Significance Thresholds (Screening Level Analysis)

<i>Air Pollutant</i>	<i>Threshold (lbs/day)</i>
	<i>Construction</i>
Carbon Monoxide (CO)	708.74
Nitrogen Oxides (NO ₂)	99.64
Particulates (PM ₁₀)	4.59
Fine Particulates (PM _{2.5})	3.39

Source: SCAQMD 2009, Mass Rate Lookup Tables: Based on LSTs for a 1.196-acre disturbance site (using SCAQMD's linear regression approach in SRA 18/20 at a distance of 25 meters (~82 feet) between the source and receptor.

5.4.3.2 Air Quality: Impact Analysis

a) *Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

Finding: Less-than-Significant Impact. The proposed Project would not conflict or obstruct implementation of the 2012 AQMP. Impacts would be less than significant and mitigation is not required.

The applicable AQMP within the Project area is the SCAQMD 2012 AQMP. Criteria for determining consistency with the AQMP are defined in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD's CEQA Air Quality Handbook (1993). The Project's consistency with the 2012 AQMP based on these criteria is discussed below.



- *Consistency Criterion No. 1: The Project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.*

Construction Impacts

The violations that Consistency Criterion No. 1 refers to are the CAAQS and NAAQS. CAAQS and NAAQS violations would occur if LSTs were exceeded. As evaluated as part of the Project LST analysis (refer to Table 5-7 under the discussion of Air Quality Threshold 4), the Project's localized construction-source emissions would not exceed applicable LSTs with mitigation, and a less-than-significant impact would occur. Therefore, construction activities associated with the proposed Project are determined to be consistent with the first criterion.

Operational Impacts

Under long-term conditions, the Project would replace the site's existing commercial office and church land uses with 23 multifamily townhouses. As indicated in later in this document in Table 5-10 (refer to Section 5.4.16, *Transportation/Traffic*), Implementation of the proposed Project would result in a net reduction in vehicle trips from the site by approximately 305 average daily trips. Since the vast majority of the Project site's existing and proposed air quality emissions are associated with vehicle trips, implementation of the proposed Project would therefore result in a net reduction in air quality emissions generated from the site. Accordingly, emissions associated with long-term operation of the proposed Project have no potential to exceed the LSTs and the proposed Project's operational activities are determined to be consistent with the first criterion.

- *Consistency Criterion No. 2: The Project will not exceed the assumptions in the AQMP based on the years of Project build-out phase.*

As noted above, the 2012 AQMP assumes development associated with the build-out of general plans. Under existing conditions, the southern 0.4 acre of the Project site (Parcel A) is designated by the City of Newport Beach General Plan for "Private Institutions (PI)" land uses, while the northern 0.8 acre (Parcel B) is designated for "Multiple Unit Residential (RM)" land uses. The Project proposes to change the General Plan designation on the southern 0.4 acres of the site to RM to redevelop the entire site with 23 townhouse units.

Development of townhouse units on Parcel B would be consistent with its existing General Plan designation of RM, and would therefore be consistent with the 2012 AQMP assumptions for this portion of the site.

The Project proposes to change the General Plan designation of Parcel A from PI to RM, and would therefore not be consistent with the 2012 AQMP's land use assumption for the site. However, air emissions from the site under both existing and proposed conditions primarily are associated with vehicular trips to and from the site. As indicated in Table 5-10 (presented later in Section 5.4.16, *Transportation/Traffic*), the Project would substantially reduce traffic associated with the site compared to existing conditions. Specific to Parcel A, the existing church use is estimated to result in approximately 82 daily vehicular trips. The proposed Project, inclusive of both Parcels A and B, would generate a total of 134 average daily trips. Because Parcel A comprises approximately 33.1% of the total Project site area, average daily vehicle trips associated with Parcel A under the proposed Project would comprise approximately 44 daily vehicular trips. Thus, implementation of the proposed Project would result in a measurable reduction in the amount of daily vehicle trips associated with Parcel A (net reduction of approximately 38 vehicles per day). Accordingly, there would be a net decrease in the amount of



vehicle-source air quality emissions from the site with implementation of the Project as compared to the land use assumptions in the 2012 AQMP. As such, the Project would not exceed the air emissions projected in the 2012 AQMP based on general plan land use assumptions. Based on the foregoing analysis, the Project would be consistent with Criterion No. 2.

b) *Would the Project violate any air quality standard or contribute to an existing or projected air quality violation?*

Finding: Less-than-Significant Impact. Construction and operation of the Project would not violate any air quality standard or contribute to an existing or projected air quality violation. Impacts would be less than significant and mitigation is not required.

Applicable air quality standards were presented previously in Table 5-2 and Table 5-3. The Project's potential for resulting in impacts under both construction and long-term operational conditions is discussed below.

Construction Impacts

Construction activities associated with the proposed Project would result in emissions of CO, Volatile Organic Compounds (VOCs), NO_x, SO_x, PM_{2.5}, and PM₁₀. Construction related emissions are expected from the following construction equipment and construction activities: (Urban Crossroads, 2013, p. 2)

- Demolition
- Site Preparation
- Grading
- Foundation/Building Construction/Painting
- Site Concrete

Site specific construction details are not known with a great deal of certainty at this stage of the development process; thus the CalEEMoD model default values were utilized where information was unknown. Table 3-1 (previously presented), summarizes construction equipment assumptions that were modeled for analysis purposes. The pieces of equipment depicted in Table 3-1 were provided by the Project Applicant (refer to Technical Appendix F) for all construction scenarios with the exception of site preparation, which utilized CalEEMod model details. The Project includes demolition of an existing church, church reading room and commercial office building totaling approximately 41,430 gross square feet of interior floor space. An approximate 1,905.78 tons of debris would be generated and hauled off-site. All demolition debris generated as part of the Project would be disposed of off-site. The disposal location has not been determined, but is expected to be delivered to the Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in Irvine (approximately 21.7 roadway miles from the proposed Project site). According to information provided from the Project Applicant, demolition debris would be recycled where possible, but all such recycling would occur off-site; none of the site's demolition debris would be used during construction of the proposed Project. (Urban Crossroads, 2013, pp. 2-3; Wieland-Davco Corporation, 2013)

As shown in Table 5-4, *Overall Construction Emissions – Before Mitigation*, construction activities would not exceed the SCAQMD regional thresholds for VOCs, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}. Table 5-5, *Overall Construction Emissions – With Mitigation*, provides a summary of regional project emissions with application of BMPs that address the Project's emissions of LSTs during construction (refer to Air Quality Threshold 4). As shown, the proposed Project would not exceed the SCAQMD Regional Thresholds even before the application of the mitigation measures indicated below under Air Quality



Threshold 4. Accordingly, the proposed Project's construction activities would not violate any air quality standard or contribute to an existing or projected air quality violation, and impacts would be less than significant.

Table 5-4 Overall Construction Emissions – Before Mitigation

Activity	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	72.17	39.73	25.56	0.04	9.17	4.83
SCAQMD Regional Threshold	75	100	550	150	150	55
Significant?	NO	NO	NO	NO	NO	NO

Source: Urban Crossroads, 2013

Note: Values shown are pounds per day, and represent maximum daily construction emissions.

Table 5-5 Overall Construction Emissions – With Mitigation

Activity	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	72.17	39.73	25.56	0.04	7.93	2.81
SCAQMD Regional Threshold	75	100	550	150	150	55
Significant?	NO	NO	NO	NO	NO	NO

Source: Urban Crossroads, 2013

Note: Values shown are pounds per day, and represent maximum daily construction emissions following incorporation of mitigation to address the Project's LST emissions.

Operational Impacts

As indicated in Table 5-10 (presented later in Section 5.4.16, *Transportation/Traffic*), implementation of the proposed Project would result in a net reduction of vehicular trips from the site. Because vehicle trips comprise the vast majority of emissions under both existing and proposed conditions, it is reasonable to conclude that the Project's emissions of VOCs, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} would be reduced as compared to existing conditions. Because the Project would result in a net reduction in emission of these criteria pollutants, long-term operation of the proposed Project has no potential to violate the applicable air quality standards or contribute to an existing or projected air quality violation. As such, long-term operational impacts would be less than significant, and no mitigation would be required.

- c) *Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

Finding: Less-than-Significant Impact. Construction and operation of the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Accordingly, impacts would be less than significant and mitigation is not required.

As indicated in Table 5-1 (previously presented), the SCAB has a non-attainment status under both state and federal designations for Ozone, PM₁₀, PM_{2.5}, and is considered non-attainment under state criteria for Nitrogen Dioxide.

As previously presented in Table 5-4 and Table 5-5, construction-related emissions of VOCs, NO_x, and CO (all of which are ozone precursors), and operational emissions of PM₁₀, PM_{2.5}, and NO_x, all would be



below the SCAQMD Regional Significance Thresholds, both before and after the application of mitigation measures for the Project's LST emissions specified below under Air Quality Threshold 4. Given these factors, near-term construction emissions would not substantially contribute to a net increase of any criteria pollutant for which the Project region is non-attainment; therefore, impacts would be less than significant.

As discussed in detail under the analysis of Air Quality Threshold a), the Project would result in a net reduction in air quality emissions as compared to emissions that occur under existing conditions. Accordingly, long-term operation of the Project has no potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment, and impacts would be less than significant.

d) *Would the Project expose sensitive receptors to substantial pollutant concentrations?*

Finding: Less than Significant with Mitigation Incorporated. Assuming mandatory compliance with SCAQMD Rule 403 and the incorporation of BMPs during construction (as required by Mitigation Measures MM AQ-1 and MM AQ-2, the Project would not expose sensitive receptors to substantial construction-related pollutant concentrations. Under long-term conditions, the Project would not expose sensitive receptors to substantial pollutant concentrations. With mitigation, impacts would be reduced to below a level of significance.

Construction Impacts

Table 5-6, *Localized Significance Summary for Construction (Without Mitigation)*, shows the maximum daily construction emissions (pounds per day) generated during construction activities compared with the screening level LSTs for a maximum 1.196-acre daily disturbance area. In accordance with SCAQMD methodology, only on-site stationary sources and mobile equipment occurring on the Project site are included in the analysis. As shown in Table 5-6, maximum daily combined emissions for NO_x and CO from the proposed Project would not exceed the LSTs. However, PM₁₀ and PM_{2.5} emissions have the potential to exceed the LSTs before application of best management practices and mitigation measures.

The values presented in Table 5-6 do not take into account mandatory compliance with applicable construction-level regulatory requirements, including SCAQMD Rule 403 and standard construction-level Best Management Practices (BMPs) (e.g., application of water on disturbed soils three times per day, covering haul vehicles, replanting disturbed areas as soon as practical and restricting vehicle speeds on unpaved roads to 15 mph or less, to control fugitive dust). As shown in Table 5-7, *Localized Significance Summary for Construction (With Mitigation)*, compliance with SCAQMD Rule 403 and application of construction BMPs would reduce the Project's emissions of PM₁₀ and PM_{2.5} to below the SCAQMD LSTs. As such, mitigation measures are identified below in order to ensure Project compliance with SCAQMD Rule 403 and the implementation of construction-level BMPs. With the application of these measures, the impact would be reduced to below a level of significance.

Operational Impacts

◆ *Operational LST Analysis*

The proposed Project involves the construction and operation of 23 townhouses. According to SCAQMD LST methodology, LSTs would apply to the operational phase of a proposed project, if the project includes stationary sources, or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or transfer facilities) (SCAQMD, 2008b). The proposed Project does not include such uses; thus, due to the lack of stationary source emissions associated with the proposed



Project, no long-term localized significance threshold analysis is needed. There would be no impact to nearby sensitive receptors under long-term operating conditions based on the SCAQMD LST methodology.

Table 5-6 Localized Significance Summary for Construction (Without Mitigation)

Activity	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	34.56	21.62	7.85	4.82
SCAQMD Localized Threshold	99.64	708.74	4.59	3.39
Significant?	NO	NO	YES	YES

Source: Urban Crossroads, 2013

Note: Values shown are pounds per day.

Table 5-7 Localized Significance Summary for Construction (With Mitigation)

Activity	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	34.56	21.62	3.98	2.82
SCAQMD Localized Threshold	99.64	708.74	4.59	3.39
Significant?	NO	NO	NO	NO

Source: Urban Crossroads, 2013

Note: Values shown are pounds per day, and represent emissions following incorporation of mitigation.

◆ *CO Hotspots*

A CO “hotspot” would occur if an exceedance of the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm were to occur. The Project would have the potential to create or contribute to a CO hotspot if it were to contribute vehicular traffic to any area intersections that are experiencing high volumes of traffic and that already experience or have the potential to experience substantial CO concentrations. As indicated in Table 5-10 (presented later in Section 5.4.16, *Transportation/Traffic*), implementation of the proposed Project would result in a net reduction of vehicular trips from the site. Since the Project would result in a net reduction of vehicle trips, the Project has no potential to contribute to or create a CO hot spot. Accordingly, no impact would occur.

e) *Would the Project create objectionable odors affecting a substantial number of people?*

Finding: Less-than-Significant Impact. Impacts associated with odors generated during the proposed Project’s construction and long-term operation would be less than significant, and mitigation is not required.

The Project is a proposal to redevelop an existing developed property with 23 residential townhouses. The Project does not propose any land uses typically associated with emitting objectionable odors. Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities, none of which would occur on the property.

The potential for odor sources associated with the proposed Project are limited to construction equipment exhaust and the application of asphalt and architectural coatings during construction activities, and the temporary storage of typical solid waste (refuse) during the Project’s lifetime.

Construction-related odors would be temporary and intermittent in nature and would cease upon completion of the respective phases of construction activity. These odors are common in urban and



suburban areas and are generally not objectionable to a large majority of the population. Additionally, mandatory compliance with SCAQMD Rules would limit odor emissions from construction vehicles. For these reasons, temporary and intermittent construction-related odors would be less than significant.

During long-term Project operation, the only potential for odor generation is from temporary refuse storage. However, solid waste collection requirements in the City of Newport Beach require all refuse containers to be covered with a watertight lid, which minimizes odor. The proposed Project would be required to comply with Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage), which mandates that all multi-unit projects with five or more dwelling units "...provide enclosed refuse and recyclable material storage areas with solid roofs." The proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Under the proposed project, enclosed trash and recycling areas are proposed for each individual dwelling unit that would be located adjacent to and accessible from the two-car garage for each unit. The potential for objectionable odors to emanate from the Project's refuse containers would be very slight and no different than the potential for refuse-related odors from other residential land uses in the City of Newport Beach. Therefore, impacts associated with odors would be less than significant.

5.4.3.3 Air Quality: Mitigation Measures

MM AQ-1 Prior to grading permit issuance, the City shall verify that the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Newport Beach staff to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors. The following notes shall be included on the grading plan and in construction bid documents to implement SCAQMD Rule 403:

- The construction contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three (3) times a day, preferably in the midmorning, afternoon, and after work is done for the day.
- The construction contractor shall ensure that all construction vehicles hauling earth materials or demolition debris use covers on any material to prevent the emission of dust during material transport.
- Disturbed areas shall be replanted as soon as practical following grading, if such areas will not immediately be paved or covered with buildings.
- The contractor shall ensure that traffic speeds on all unpaved surfaces of the Project site are reduced to 15 miles per hour or less.

MM AQ-2 Prior to grading permit issuance, the City shall verify that a note is included on the grading plan requiring a sign be posted on-site that restricts the idling of diesel engines to less than five minutes. The sign shall be installed before construction activities commence and remain in place during the duration of construction activities. Project contractors shall be required to ensure compliance with idling restriction and permit periodic inspection of the construction site by City of Newport Beach staff to confirm compliance. The idling restriction also shall be specified in bid documents issued to prospective construction contractors.



Implementation of Mitigation Measures MM AQ-1 and AQ-2 would ensure the Project-related construction activities are reduced to below the SCAQMD LSTs, and would reduce the Project's construction-related impacts to less-than-significant levels.

5.4.4 Biological Resources

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.4.4.1 Biological Resources: Environmental Setting

Biological Resources

Under existing conditions, the proposed Project site and surrounding land areas are fully developed with urban uses and do not contain sensitive biological resources. The vegetation that occurs on the Project site is ornamental in nature, including street trees and ornamental shrubs, groundcover, and vines growing on the existing buildings' faces and screen walls.



Council Policy G-1

The City of Newport Beach City Council Policy G-1, *Retention or Removal of City Trees*, establishes requirements to ensure diversity in tree species and age classes within the City, and requires tree removal or reforestation to be approved by the City to ensure that tree removal requests do not adversely impact the overall inventory, diversity, or age of the City's Urban Forest. Approval for the removal and reforestation of trees can occur in conjunction with a City Council-approved neighborhood beautification program.

Municipal Code Chapter 7.26

City of Newport Beach Municipal Code Chapter 7.26, *Protection of Natural Habitat for Migratory and Other Waterfowl*, is intended to maintain the value of natural habitat for migratory waterfowl and other birds such as ducks, gulls, terns, and pelicans.

General Plan Policies Related to Biological Resources

The following policies of the Newport Beach General Plan are applicable to biological resources:

- NR 10.1 Terrestrial and Marine Resource Protection. Cooperate with the state and federal resource protection agencies and private organizations to protect terrestrial and marine resources.
- NR 10.3 Analysis of Environmental Study Areas. Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as [Environmental Study Areas (ESAs)].

The proposed Project site is not located within or contiguous to any of the ESAs identified by the Newport Beach General Plan.

Orange County Central and Coastal Natural Community Conservation Plan (NCCP) and Habitat Conservation Plan (HCP)

The Orange County Central and Coastal Orange County Natural Community Conservation Plan (NCCP) and Habitat Conservation Plan (HCP) were completed in 1996, and the City of Newport Beach became a signatory agency in July of 1996. The purpose of the NCCP/HCP is to create a multi-species multi-habitat reserve system and implementation of a long-term management program that will protect primarily coastal sage scrub and the species that utilize this habitat. The NCCP/HCP focuses on multiple species and habitats and addresses conservation of these species on a regional context. The three main target species are the coastal California gnatcatcher, cactus wren, and orange-throated whiptail, in addition to 26 other species that are also identified and afforded management protection under the NCCP/HCP. An additional ten species of plants and animals that are either federally listed or treated as if they were listed according to FESA Section 10(a) also are addressed within the NCCP/HCP.

The Project site and surrounding land areas are not targeted for conservation as part of the NCCP/HCP (Orange County, 1996, Figure 11).



5.4.4.2 Biological Resources: Impact Analysis

- a) *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
-

Finding: No Impact. The proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the CDFW or USFWS. No impact would occur and mitigation is not required.

Improvements proposed as part of the Project would occur wholly within the 1.2-acre Project site, along the site's frontage with surrounding streets, and within a portion of Via Lido (an improved roadway). None of the areas planned for physical impact or development by the Project contain species or habitat for species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). Accordingly, no impact to sensitive species would occur.

- b) *Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
-

Finding: No Impact. The proposed Project would have no potential to impact riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW and USFWS. No impact would occur and mitigation is not required.

Improvements proposed as part of the Project would occur wholly within the 1.2-acre Project site, along the site's frontage with surrounding streets, and within a portion of Via Lido (an improved roadway). None of the areas planned for physical impact or development by the Project contain riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. Additionally, and as concluded in Section 5.4.9, Project drainage would not result in any impacts to Newport Bay. Accordingly, no impact to riparian habitat would occur.

- c) *Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
-

Finding: No Impact. The proposed Project would have no impact on federally protected wetlands as defined by Section 404 of the Clean Water Act. Mitigation is not required.

Areas planned for physical impact as part of the Project do not contain any wetlands; accordingly, the proposed Project would have no impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. As indicated in Section 5.4.9 (Hydrology and Water Quality), under existing conditions, all drainage from the Project site flows off the site to the adjacent streets (Via Lido, Via Oporto, and Via Malaga), where the water is collected in surface gutters and conveyed to the north. Flows are then conveyed to an off-site catch basin where they are treated for water quality prior to discharge empty into the Newport Bay (C&V Consulting, 2013a, Section III.).



d) *Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?*

Finding: No Impact. The proposed Project would not interfere with native resident or migratory fish or wildlife species movement, wildlife corridors, or native wildlife nursery sites. No impact would occur and mitigation is not required.

Under existing conditions, the Project site is developed with two buildings and a parking lot and is surrounded by improved roadways (Via Oporto, Via Lido, and Via Malaga) and urban development. Thus, under existing conditions, the Project site and adjacent properties do not provide habitat for native species, are not part of a terrestrial wildlife movement corridor, and do not serve as a native wildlife nursery site. Accordingly, implementation of the proposed Project would have no potential to interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or with the use of native wildlife nursery sites.

e) *Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Finding: No Impact. The proposed Project would not conflict with any local policies or ordinances protecting biological resources. No impact would occur and mitigation is not required.

Implementation of the proposed Project would require the removal and replacement of existing street trees located along Via Lido, Via Oporto, and Via Malaga. Figure 2-3 depicts the existing street trees that would be removed as part of the Project, while Figure 3-8 depicts the proposed planting of trees. Pursuant to Council Policy G-1 provisions for "All Other City Trees," the City Council would review the Project's conceptual landscaping plan (including the removal of existing trees) during public hearings for the Project. Thus, Project approval by the City Council would assure consistency with Council Policy G-1.

The proposed Project site is fully developed under existing conditions, and therefore does not contain any natural habitat for migratory waterfowl or other birds, such as ducks, gulls, terns, and pelicans. Accordingly, development of the Project as proposed would not conflict with Municipal Code Chapter 7.26.

The proposed Project site is not located within or contiguous to any of the ESAs identified by the Newport Beach General Plan; therefore, the Project does not require any site-specific biological surveys and analysis (Newport Beach, 2006a, Figure NR2). The proposed Project site also does not contain any terrestrial or marine resources that require protection, as the Project site is fully developed under existing conditions. Accordingly, with exception of the California Coastal Commission, which would review the Project for compliance with the California Coastal Act provisions related to marine and coastal biological resources (which would not be impacted by the Project), the Project would not involve nor require any consultation with state and federal resource protection agencies or private organizations concerned with the protection of sensitive biological resources. Therefore, the proposed Project would not conflict with General Plan Policies NR 10.1 or NR 10.3.



There are no other local policies or ordinances protecting biological resources that are applicable to the proposed Project; accordingly, no impact due to a conflict with any local policies or ordinances protecting biological resources would occur.

f) *Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Finding: No Impact. The proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, including the Orange County Central and Coastal Orange County NCCP/HCP. No impact would occur and mitigation is not required.

The proposed Project site is located within the Orange County Central and Coastal Orange County NCCP/HCP, which does not identify the Project site and surrounding areas for conservation (Orange County, 1996, Figure 11). Due to the developed nature of the Project site, the site also does not contain any habitat for any of the plant or animal species addressed by the NCCP/HCP. Accordingly, the proposed Project has no potential to conflict with the NCCP/HCP. There are no additional Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to the Project site or vicinity. Accordingly, no impact would occur.

5.4.4.3 Biological Resources: Mitigation Measures

Implementation of the proposed Project would not impact biological resources; accordingly, mitigation measures are not required.

5.4.5 Cultural Resources

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) <i>Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Disturb any human remains, including those interred outside of formal cemeteries?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5.4.5.1 Cultural Resources: Environmental Setting

Historical Resources

Under existing conditions, the proposed Project site is occupied by two structures, a three-story commercial/office building and a one- and two-story church and church reading room. The church/church reading room structure exhibits Spanish-style architecture and was constructed in 1947, with additions made to the building in 1958 and 1966. The commercial office building was constructed in 1957 and consists of a three-story structure of modern architectural design typical in the decade



following WWII. None of the existing buildings are listed in the National Register of Historic Places or on the California Register of Historical Resources. According to General Plan EIR Figure 4.4-1, the proposed Project site is not identified as containing any historical resources (Newport Beach, 2006b, Figure 4.4-1).

Archaeological Resources

The City of Newport Beach has a long cultural history and is known to have been home to Native American groups prior to settlement by Euro-Americans (Newport Beach, 2006b, p. 4.4-15). The Project site is developed with urban uses and no archaeological resources are present on the surface of the property. Due to the developed nature of the Project site and past disturbance of the property's soils, the Project site is highly unlikely to contain any archaeological resources.

Paleontological Resources

The Project site is located on the Balboa Peninsula, which is not a portion of the City that is identified as having the potential to contain fossil-bearing soils or rock formations. Areas within the City and its sphere of influence (SOI) that are known to have a high likelihood of containing fossils include portions of the Vaqueros formation that underlie the Newport Coast, the Newport Banning Ranch portion of the SOI, the Topanga and Monterey Formations, and Fossil Canyon in the North Bluffs area. (Newport Beach, 2006b, p. 4.4-17; PSI, Inc., 2012a)

5.4.5.2 Cultural Resources: Impact Analysis

a) *Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

Finding: Less-than-Significant Impact. Although the proposed Project would demolish and remove two existing buildings from the property, neither structure comprises a historical resources pursuant to § 15064.5 of the CEQA Guidelines. No impact to historic resources would occur and mitigation is not required.

The Project site contains two existing buildings that would be demolished and removed from the property as part of the Project.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

The existing structures located on the Project site are not listed in the California Register of Historical Resources (Newport Beach, 2006b, Figure 4.4-1). In addition, pursuant to the criteria used by the California State Parks Office of Historic Preservation (OHP), the existing structures are not eligible for inclusion on the California Register of Historical Resources because: 1) they are not associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; 2) they are not associated with the lives of persons important to local, California or national



history; 3) they do not embody the distinctive characteristics of a type, period, region or method of construction or represent the work of a master or possess high artistic values; and 4) they have not yielded, nor do they have the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The existing structures also are not included in any local register of historical resources, nor are they identified as significant in any historical resource surveys (Newport Beach, 2006b, Figure 4.4-1). Moreover, the existing structures are not historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California; rather, the structures consists of relatively modern and common post WWII architectural styles and exhibit no unique architectural characteristics.

There are no other structures on-site that could be considered a historical resource pursuant to CEQA Guidelines §15064.5(a). Based on the foregoing analysis, the existing structures and features on the site are not historical resources. Thus, the proposed Project would have a less-than-significant impact to historic resources as defined by CEQA Guidelines §15064.5(a) and mitigation is not required.

b) *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

Finding: Less than Significant with Mitigation Incorporated. Although unlikely, there is a remote possibility that archaeological resources could be encountered during site grading activities. Mitigation Measure MM CR-1 would ensure that impacts to archaeological resources, if unearthed during construction activities, are reduced to a level below significance.

The Project site is fully disturbed and developed with a commercial/office building, church/church reading room, and a parking lot. The Balboa Peninsula was once the site of extensive low sand dunes but has experienced modification. The Balboa Peninsula, a barrier beach that protects the bay, was formed between 1825 and 1862 with essentially nonnative soils and/or artificial fill. These areas were modified significantly during the past century in order to deepen channels for navigation and to form habitable islands. Furthermore, the area is not listed as an area that has yielded archaeological resources. Although grading associated with the proposed Project would be minimal, the Project's geotechnical engineer (Professional Service Industries, Inc.) recommends over-excavating the site to a depth of at least two feet below existing or finished grade, whichever is deeper. Although unlikely, there is a remote possibility that archaeological resources could be encountered during site grading activities. If significant resources are unearthed, they could be significantly impacted if not appropriately treated. This is a potentially significant impact and mitigation is required.

c) *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Finding: Less than Significant with Mitigation Incorporated. Although unlikely, there is a remote possibility that paleontological resources could be encountered during site grading activities. Mitigation Measure MM CR-2 would ensure that impacts to paleontological resources, if unearthed during construction activities, are reduced to a level below significance.

The Project site is fully disturbed under existing conditions and is developed with a commercial office building, church/church reading room, and parking lot. As such, no unique geologic features or surficial



paleontological resources are located on the property. Additionally, the Project site is not located in a portion of the City of Newport Beach that is known to contain fossil-bearing soils or rock formations (Newport Beach, 2006b, p. 4.4-17; PSI, Inc., 2012a). However, there is still a remote potential that paleontological resources could be discovered beneath the surface of the site during site grading activities. Although unlikely, the potential for uncovering and impacting paleontological resources during site grading activities represents a potentially significant impact for which mitigation is required.

d) *Would the Project disturb any human remains, including those interred outside of formal cemeteries?*

Finding: Less-than-Significant Impact. In the remote event that Project construction activities unearth human remains, mandatory compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98(b) would reduce the potential impact to below a level of significance. Mitigation is not required.

The proposed Project site is fully developed with a commercial office building, church/church reading room, and parking lot. The Project site is not known to have ever been used as a cemetery and the possibility of uncovering human remains during site grading activities is remote. Regardless, in the unlikely event that human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Mandatory compliance with these policies would ensure that potential impacts associated with the discovery of human remains would be less than significant.

5.4.5.3 Cultural Resources: Mitigation Measures

Mitigation for Potential Impacts to Archaeological Resources

MM CR-I Prior to the issuance of grading permits, the City shall verify that the following note is included on the grading plan(s).

“If suspected archaeological resources are encountered during ground-disturbing construction activities, the construction contractor shall temporarily halt work in a 100-foot radius around the find until a qualified archaeologist can be called to the site to assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with the City of Newport Beach.”

The grading contractor shall be responsible for complying with the note. If the archaeologist determines that the find does not meet the CEQA standards of cultural significance, construction shall be permitted to proceed. However, if the archaeologist determines that further information is needed to evaluate significance, the City of Newport Beach shall be notified and a data recovery plan shall be prepared in consultation with the City, which may include the implementation of a Phase II and/or III archaeological investigation per City guidelines. All significant cultural resources recovered shall be documented on California Department of Parks and Recreation Site



Forms to be filed with the California Historical Resources Information System, South Central Coastal Information Center (CHRIS-SCCIC). The archaeologist shall incorporate analysis and interpretation of any significant find(s) into a final Phase IV report that identifies the level of significance pursuant to Public Resources Code § 21083.2(G). The Project Applicant, in consultation with the archaeologist and the City, shall designate repositories in the event that resources are recovered.

Implementation of Mitigation Measure MM CR-1 would reduce the Project’s potential impacts to archaeological resources to below a level of significance.

Mitigation for Potential Impacts to Paleontological Resources

MM CR-2 Prior to the issuance of grading permits, the City shall verify that the following note is included on the grading plan(s).

“If suspected paleontological resources (fossils) are encountered during ground-disturbing construction activities, the construction contractor shall temporarily halt ground-disturbing activities within 100 feet of the find until a qualified paleontologist can be called to the site to assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with the City of Newport Beach.”

The grading contractor shall be responsible for complying with the note. At the paleontologist’s discretion, the construction contractor may assist in removing rock samples for initial processing. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Newport Beach shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction.

Implementation of Mitigation Measure MM CR-2 would reduce the Project’s potential impacts to paleontological resources to below a level of significance.

5.4.6 Geology and Soils

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Geology Special Publication 42.				
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.4.6.1 Geology and Soils: Environmental Setting

Regional Geology and Seismicity

The proposed Project site is located within the Orange County coastal plain and is underlain by Quaternary alluvial and fluvial sedimentary deposits. As with much of the Southern California region, the Project site is located in an area subject to seismic hazards, with the nearest known fault (Newport-Inglewood Fault Zone) occurring approximately 0.4 mile to the northwest of the Project site. The Project site is not located in an Earthquake Fault Zone per the Alquist-Priolo Special Studies Zone Map. (PSI, Inc., 2012a, pp. 2-6)

Lurching and Shallow Ground Rupture

Breaking of the ground surface caused by active faulting is not likely to occur on the Project site because there are no known active fault traces within the Project site’s boundaries (PSI, Inc., 2012a, p. 6).

Groundwater

The Project’s geotechnical consultant (Professional Service Industries, Inc. (PSI)) drilled four borings on the site and measured groundwater at approximately 5-feet below existing grade in all four borings, which is consistent with documented high groundwater depths in the area. Based on a review of the California Geological Survey (CGS) Seismic Hazard Zone Report for the Newport Quadrangle, the historic high groundwater depth for the site area is noted to be about 5 feet below grade. It is possible that seasonal variations (temperature, rainfall, tide conditions etc.) will cause fluctuations in the groundwater level. (PSI, Inc., 2012a, p. 4)



Liquefaction-Induced Settlement

According to the CGS Newport 7.5' Quadrangle hazard map, the Project site is located within an area that is classified as being susceptible to liquefaction and has a historic high groundwater depth of approximately 5 feet below the existing ground surface elevation. (PSI, Inc., 2012a, p. 6) Liquefaction and seismically induced settlement typically occur in loose granular and low-plastic silt and clay soils with groundwater near the ground surface. During an earthquake, ground shaking causes the soil to consolidate and increases the pore pressures in saturated soils. After dissipation of the excess pore pressures, the saturated soils tend to settle. Fine-grained plastic soils are generally not susceptible to liquefaction or to short-term settlement due to seismic loads. (PSI, Inc., 2012a, p. 6)

In order to evaluate the potential for soil liquefaction at the Project site, PSI performed an analysis utilizing the LIQUEFYPRO computer software program, assuming a groundwater depth of 5 feet (historic high), the soil profile identified during site borings conducted by PSI, and a ground acceleration of 0.5g (SDS/2.5, as per the CBC). The results of this analysis indicates that localized zones of the silty sand soils present on the Project site are potentially susceptible to liquefaction during seismic events. PSI concluded that the sandy soils on the site at depths between about 7½ to 10 feet, 26 to 28 feet, and 29 to 30 feet below grade are potentially susceptible to liquefaction upon application of a design earthquake. (PSI, Inc., 2012a, pp. 6-7)

The most substantial effect of soil liquefaction is expected to be ground surface settlement resulting from volumetric strain within the liquefiable soils. Based on the analysis, a maximum total seismic induced settlement of approximately 1-¼ inches is estimated with a ⅔ inch of differential settlement across a 40 foot span. (PSI, Inc., 2012a, p. 7)

Landsliding

Due to the generally flat nature of the site and surrounding properties, the Project site is not susceptible to landslides (PSI, Inc., 2012a, p. 7).

Soil Erosion

Under existing conditions, the Project site is fully developed and is occupied by two existing buildings and a parking lot. As the Project site is fully covered with the existing structures, pavement, and landscaping, no measurable soil erosion occurs under existing conditions.

5.4.6.2 Geology and Soils: Impact Analysis

-
- a) *Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - ii) *Strong seismic ground shaking?*
 - iii) *Seismic-related ground failure, including liquefaction?*
 - iv) *Landslides?*
-

Finding: Less-than-Significant Impact. With mandatory compliance to the California Building Code and recommendations of a site-specific geotechnical evaluation, the proposed Project would not significantly expose people or structures to potential substantial



adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), and landslides. Impacts would be less than significant and mitigation is not required.

Earthquake Fault Rupture

The proposed Project site is not located within any Alquist-Priolo Earthquake Fault Zones and no known faults underlie the site. The nearest fault to the Project site is the Newport-Inglewood Fault Zone, which occurs approximately 0.4 mile northwest of the Project site. Accordingly, the property would not rupture during a seismic event. As such, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, and no impact would occur.

Seismic Ground Shaking

As with much of the Southern California region, the Project site is located in a seismically active area. The existing buildings on the Project site are subject to ground shaking during seismic events and the proposed Project's buildings would be subject to seismic shaking as well. Therefore, the Project has the potential to expose people or structures to adverse effects associated with seismic events. The buildings that would be constructed on the property would be required to comply with the California Building Code (CBC), which requires compliance with special structural design standards to attenuate hazards associated with credible seismic ground shaking events that are anticipated in the Project area. A site-specific analysis, based on the CBC requirements, was conducted as part of the Project's geotechnical evaluation (Technical Appendix B). The geotechnical evaluation also incorporates site-specific recommendations to attenuate seismic hazards at the site in accordance with the CBC requirements and standards. Compliance with applicable requirements of the CBC and the specifications listed in the site-specific geotechnical evaluation would be assured through future City review of grading and building permits, which would ensure that strong seismic ground shaking effects are attenuated. As such, impacts would be less than significant and mitigation is not required.

Seismic-Related Ground Failure (Liquefaction)

The Project site is located in an area that is subject to potential liquefaction hazards, primarily due to ground settlement that would result from seismic events. Based on a site-specific analysis conducted by the Project's geotechnical engineer (PSI), a maximum total seismic induced settlement of approximately 1-1/4 inches with an estimated 2/3 inch of differential settlement across a 40 foot span would occur on the Project site. Based on this low magnitude of estimated settlement, PSI concluded that mitigation of the liquefaction potential is not warranted. (PSI, Inc., 2012a, p. 7) Accordingly, impacts due to seismic-related ground failure (including liquefaction) represent a less-than-significant impact and mitigation is not required.

Landslides

The proposed Project site has no potential to be affected by landslides due to the generally flat nature of the site and surrounding areas (PSI, Inc., 2012a, p. 7). Accordingly, there would be no impact due to the potential for landslide hazards.



b) *Would the Project result in substantial soil erosion or the loss of topsoil?*

Finding: Less-than-Significant Impact. The proposed Project would not result in substantial soil erosion or the loss of topsoil during construction or long-term operation. Accordingly, impacts would be less than significant and mitigation is not required.

Construction-Related Activities

Proposed demolition and grading activities associated with the Project would temporarily expose underlying soils to water and air, which would increase erosion susceptibility while the soils are exposed. The property is generally flat, so erosion potential would not be substantial compared to sites with exposed soils on slopes. Regardless, exposed soils would be subject to erosion during rainfall events or high winds due to the removal of structures, pavement, and/or stabilizing vegetation and exposure of these erodible materials to wind and water. Erosion by water would be greatest during the first rainy season after grading and before the Project's structure foundations are established and paving and landscaping occur. Erosion by wind would be highest during periods of high wind speeds when soils are exposed.

Pursuant to the requirements of the State Water Resources Control Board, the Project Applicant is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities. The NPDES permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. Additionally, during grading and other construction activities involving soil exposure or the transport of earth materials, Chapter 15.10 (Excavation and Grading Code) of the City of Newport Beach, which establishes requirements for the control of dust and erosion during construction, would apply to the Project (Newport Beach, 2012a, § 15.10). As part of the requirements of Chapter 15.10 (Excavation and Grading Code), the Project Applicant would be required to prepare an erosion control plan that would address construction fencing, sand bags, and other erosion-control features that would be implemented during the construction phase to reduce the site's potential for soil erosion or the loss of topsoil. Requirements for the reduction of particulate matter in the air also would apply, pursuant to SCAQMD Rule 403. Mandatory compliance to the Project's NPDES permit and these regulatory requirements would ensure that water and wind erosion impacts would be less than significant. Mitigation is not required.

Long-Term Operational Activities

Following construction, wind and water erosion on the Project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces. Only nominal areas of exposed soil, if any, would occur in the site's landscaped areas. The only potential for erosion effects to occur during Project operation would be indirect effects from storm water discharged from the property. The Project's storm water is proposed to be collected by gutters within existing streets (Via Lido, Via Oporto, and Via Malaga), which would convey the water to an existing off-site catch basin as occurs under existing conditions. No increased erosion effects would occur because the Project would not increase the volume or velocity of water discharged from the site. A Project-specific Hydrology Report is included in Appendix C. As concluded in the Hydrology Report, the proposed Project would reduce impervious areas on the site from 96% (as occurs under existing conditions) to approximately 89%, thereby resulting in a longer runoff length that results in a longer runoff time of concentration (C&V Consulting, 2013a). As a result, the Project would reduce the runoff rate and volume as compared to the existing condition, which would reduce any siltation or erosional effects associated with water discharge.



In addition, the Project Applicant is required to prepare and submit to the City for approval a Project-specific Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP). The SWPPP and WQMP must identify and implement an effective combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate discharge to surface water from storm water and non-storm water discharges. Adherence to the requirements noted in the Project's required WQMP (refer to Technical Appendix D) and site-specific SWPPP would further ensure that potential erosion and sedimentation effects would be less than significant.

c) *Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Finding: Less-than-Significant Impact. Considering mandatory compliance with the CBC requirements and the recommendations of the site-specific geotechnical evaluation, the proposed Project would not be subjected to unstable soil conditions that could result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, and collapse. Impacts would be less than significant and mitigation is not required.

Liquefaction hazards and landslides are addressed above under the discussion and analysis of Geology and Soils Threshold I, and impacts due to landslides and liquefaction were determined to be less than significant.

Based on the analysis conducted by PSI, settlement of the site is estimated to be less than two-thirds of an inch following grading. Although such settlement has the potential to affect building foundations, the site-specific geotechnical report (Technical Appendix B) incorporates design measures to attenuate potential damage from settlement of the supporting subgrade. Compliance with the recommendations contained in the site-specific geotechnical evaluation would be assured through future City review of building and grading permits, and would reduce impacts due to potential ground subsidence or collapse to a level below significance. (PSI, Inc., 2012a, pp. 10-12)

In addition, the site-specific geotechnical evaluation does not identify any hazards at the site associated with lateral spreading (PSI, Inc., 2012a). Based on the foregoing analysis, and assuming mandatory compliance with the CBC requirements and the recommendations of the site-specific geotechnical evaluation, the proposed Project would result in less-than-significant impacts due to unstable soil conditions that could result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, and collapse.

d) *Would the Project be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Finding: No Impact. The Project would not be subject to substantial risks to life or property associated with expansive soils. No impact would occur and mitigation is not required.

On-site soil testing conducted by the Project geotechnical engineer (PSI) (Technical Appendix B) concludes that the near surface soils at the site have a very low expansion potential (PSI, Inc., 2012a, p. 5). Accordingly, the Project would not create a substantial risk to life or property associated with expansive soils, and no impact would occur.



e) *Would the Project have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

Finding: No Impact. No septic tanks or alternative waste water disposal systems are located on the site or proposed as part of the Project; accordingly, no impact due to soils incapable of supporting such systems have the potential to occur. Mitigation is not required.

As occurs on the Project site under existing conditions, the proposed Project is required to be served by the City’s existing sanitary sewer system. No septic tanks or alternative waste water disposal systems are proposed as part of the Project; accordingly, no impact would occur.

5.4.6.3 Geology and Soils: Mitigation Measures

Implementation of the proposed Project would result in no impacts or less-than-significant impacts due to geology and soil conditions. Assuming mandatory compliance with the CBC, recommendations of the Project’s site-specific geotechnical report, and City of Newport Beach requirements, mitigation measures are not required.

5.4.7 Greenhouse Gas Emissions

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.4.7.1 Greenhouse Gas Emissions: Environmental Setting

Existing Site Conditions

Under existing conditions, the proposed Project site is occupied by a church/church reading room and commercial office building. Greenhouse Gas (GHG) emissions associated with these existing uses are primarily associated with vehicular traffic (tailpipe emissions from vehicles traveling to and from the property), although energy consumption, water consumption, and solid waste generation by the existing uses also contribute to the site’s GHG emissions. Table 5-8, *Existing and Proposed GHG Emission Sources*, presented later in this section, provides an estimate of the existing traffic, energy consumption, water consumption, and solid waste generation emissions associated with the site’s existing land uses.

Background

A greenhouse gas is a gas that has the ability to absorb infrared radiation or heat. For the purposes of this analysis the three main greenhouse gases are carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Other GHG’s include sulfur hexafluoride (SF₆), hydrofluorocarbons (HFC’s), and perfluorocarbons (PFC’s). Each gas has different abilities to absorb heat and different lifetimes within the atmosphere. A global warming potential (GWP) is assigned to each GHG based on its relative strength compared to CO₂. The global warming potential of CH₄ is 21 CO₂ equivalents (CO₂e), N₂O is 310 CO₂e, SF₆ is 23,900 CO₂e, and HFCs and PFCs have a range of GWPs. Total GHG emissions are



calculated in CO₂e. Many human activities, such as the combustion of fossil fuels, are known to release these gases into the atmosphere. The heat absorbing ability of GHGs enables them, theoretically, to affect the Earth's heat balance. Climate is in large part regulated by the Earth's heat balance; therefore a substantial amount of GHGs released by human activities may cause changes to the climate of Earth. (EPA, 2013)

Regulatory Setting

The proposed Project would be required to comply with all mandatory regulatory requirements imposed by the State of California and the South Coast Air Quality Management District (SCAQMD) aimed at the reduction of air quality pollutant emissions. Those that are applicable to the Project and that would assist in the reduction of GHG emissions are as follows:

- Global Warming Solutions Act of 2006 (AB 32)
- Regional GHG Emissions Reduction Targets/Sustainable Communities Strategies (SB 375)
- Pavley Fuel Efficiency Standards (AB 1493). Establishes fuel efficiency ratings for new vehicles.
- Title 24 California Code of Regulations (California Building Code). Establishes energy efficiency requirements for new construction.
- Title 20 California Code of Regulations (Appliance Energy Efficiency Standards). Establishes energy efficiency requirements for appliances.
- Title 17 California Code of Regulations (Low Carbon Fuel Standard). Requires carbon content of fuel sold in California to be 10% less by 2020.
- California Water Conservation in Landscaping Act of 2006 (AB 1881). Requires local agencies to adopt the Department of Water Resources updated Water Efficient Landscape Ordinance or equivalent by January 1, 2010 to ensure efficient landscapes in new development and reduced water waste in existing landscapes.
- Statewide Retail Provider Emissions Performance Standards (SB 1368). Requires energy generators to achieve performance standards for GHG emissions.
- Renewable Portfolio Standards (SB 1078). Requires electric corporations to increase the amount of energy obtained from eligible renewable energy resources to 20 percent by 2010 and 33 percent by 2020.
- City of Newport Beach General Plan. The City's General Plan, adopted in 2006, includes policies that, although not specifically addressing GHG emissions, would serve to reduce emissions of GHGs. These policies, primarily contained in the Natural Resources Element, address water supply, air quality, open space, and energy. The Circulation Element also includes policies to achieve reduced automobile travel. Project compliance with applicable General Plan policies would be mandatory, and would serve to reduce the Project's emissions of GHGs.

Activities associated with the Project would be required to comply with the above-listed measures; therefore, emissions reductions associated with these measures can be assumed as part of the proposed Project

Discussion on Establishment of Significance Thresholds

The direct impacts of Project-related emissions on climate change and global warming cannot be determined based on available science. There is no evidence in scientific literature that would indicate that the air emissions from a project the size of the proposed Project (redevelopment of a 1.2-acre property with 23 townhouses) would directly or indirectly affect global climate change. Accordingly, the



analysis herein evaluates the Project's potential to result in cumulatively considerable emissions of GHGs that could contribute to climate change.

Currently, there are no adopted thresholds for GHG emissions for projects within the SCAQMD region. However, SCAQMD has convened a Working Group to identify GHG thresholds for use in the SCAB for projects where SCAQMD is serving as the Lead Agency. The draft threshold indicates that for projects that are not exempt or where no qualifying GHG reduction plans are directly applicable, an assessment of GHG emissions is required. SCAQMD is considering a screening level threshold of 3,000 metric tons (MTons) of CO₂e annually for all land use types, including residential uses. This threshold is based on a review of the Governor's Office of Planning and Research database of CEQA projects. Based on their review, 90 percent of CEQA projects would exceed 3,000 MTons per year. Projects that exceed the screening threshold would require additional technical analysis to determine the level of significance. The City of Newport Beach relies upon the SCAQMD draft screening level threshold; therefore, for purposes of analysis herein, the proposed Project may have a significant adverse impact on GHG emissions if it would result in any of the following:

1. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance. A potentially significant impact would occur if the project exceeds the SCAQMD's 3,000 MTCO₂e per year screening threshold.
2. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases, such as AB 32's Scoping Plan.

5.4.7.2 Greenhouse Gas Emissions: Impact Analysis

a) *Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Finding: Less-than-Significant Impact. The proposed Project would result in a net decrease of air emissions as compared to existing conditions. Therefore, the Project would result in GHG emissions that are below the City of Newport Beach's screening threshold of 3,000 metric tons of CO₂e per year. Based on the City's interim threshold of significance for the evaluation of GHG emissions, the Project's emissions of GHGs would be less-than-significant and mitigation is not required.

GHG emissions associated with the proposed Project would primarily be associated with Project-related traffic. In addition, Project-related construction activities, energy consumption, water consumption, and solid waste generation also would contribute to the Project's overall generation of GHG gasses. Under existing conditions the Project site is occupied by commercial office and church/church reading room land uses, which generate GHGs. Therefore, in order to evaluate the net change in GHG emissions that would be associated with Project implementation, it is necessary to compare the site's existing GHG emissions to those that would occur under the proposed Project.

Table 5-8, *Existing and Proposed GHG Emission Sources*, presents a comparison of GHG emission sources associated with the site's existing uses to those that would occur under the proposed Project. As shown, implementation of the proposed Project would result in a 69% net reduction of average daily vehicle trips (ADT) as compared with the existing uses; a 45.7% net reduction in energy consumption; a 45.7% net reduction in water consumption; and a 66.9% net reduction in solid waste generation. It should be noted that the existing conditions data in Table 5-8 does not account for the existing church's



Table 5-8 Existing and Proposed GHG Emission Sources

Land Use	Intensity	Employees/ Population^{1,2,3}	Generation/ Consumption Rate	Total Generation/ Consumption²
Traffic⁴				
Existing Land Uses				
Commercial Office	32,469 s.f.	92 emp.	0.01101 ADT per s.f.	357 ADT
Church	8,961 s.f.	--	0.00911 ADT per s.f.	82 ADT
Total Traffic (Existing Land Uses):				439 ADT
Proposed Land Uses				
Multifamily Residential	23 du	50 persons	5.81 ADT/du	134 ADT
Net Change in Traffic with Project Implementation:				-305 ADT
Energy Consumption				
Existing Land Uses				
Commercial Office	32,469 s.f.	92 emp.	210 million Btu/year/capita ⁵	19,320 Btu/yr
Church	8,961 s.f.	--		--
Subtotal – Energy Consumption (Existing Land Uses):				19,320 Btu/yr
Proposed Land Uses				
Multifamily Residential	23 du	50 persons	210 million Btu/year/capita ⁵	10,500 Btu/yr
Net Change in Energy Consumption with Project Implementation:				-8,820 Btu/yr
Water Consumption				
Existing Land Uses				
Commercial Office	32,469 s.f.	92 emp.	228.1 gpd/capita ⁶	20,985 gpd
Church	8,961 s.f.	--		--
Subtotal – Water Consumption (Existing Land Uses):				20,985 gpd
Proposed Land Uses				
Multifamily Residential	23 du	50 persons	228.1 gpd/capita ⁶	11,405 gpd
Net Change in Water Consumption with Project Implementation:				-9,580 gpd
Solid Waste Generation				
Existing Land Uses				
Commercial Office	32,469 s.f.	92 emp.	1 lb/100 s.f./day ⁷	324.7 lbs/day
Church	8,961 s.f.	--	0.007 lb/s.f./day ⁷	120.7 lbs/day
Subtotal – Solid Waste Consumption (Existing Land Uses):				445.4 lbs/day
Proposed Land Uses				
Multifamily Residential	23 du	50 persons	6.41 lbs/unit/day ⁷	147.4 lbs/day
Net Change in Solid Waste Generation with Project Implementation:				-298.0 lbs/day

- Commercial Office employee rates obtained from the Southern California Association of Governments (SCAG) Employment Density Study (SCAG, 2001), which estimates that low-rise office uses generate one employee per 352 s.f.
 - Information for employment density for church land uses is not available. Calculations that rely on employment/population exclude data for the existing church uses.
 - Residential population estimates assume 2.19 persons per multifamily dwelling unit, consistent with the Newport Beach General Plan EIR (Newport Beach, 2006b, p. 4.10-3).
 - Refer to Technical Appendix F for trip generation calculations.
 - Source: United States Energy Information Administration (USEIA, 2010).
 - Source: City of Newport Beach 2010 Urban Water Management Plan (Newport Beach, 2011a, p. 2).
 - Solid Waste generation estimates derived from Newport Beach General Plan EIR (Newport Beach, 2006b, Table 4.14-14).
- Notes: ADT = Average Daily Trips (traffic); du = dwelling units; Btu = British thermal units; yr = year; emp. = employees; gpd = gallons per day.

use of energy or water; thus, the data in Table 5-8 represents a conservative comparison of the Project's emissions as compared to existing conditions. Since the emission sources presented in Table 5-8 (particularly ADT) are responsible for GHG emissions that are associated with both the existing and proposed land uses at the site, it is concluded that implementation of the proposed Project would result in a substantial reduction in the amount of GHG emissions associated with the Project site as compared



to existing conditions. Specifically, and based on the data presented in Table 5-8, it is conservatively estimated that implementation of the proposed Project would reduce the operational-related GHG emissions at the site by a minimum of 45.7% as compared to existing conditions.

Although the data in Table 5-8 does not account for temporary emissions that would occur during Project construction, construction-related emissions represent a minor component of a project's overall GHG emissions (SCAQMD, 2008a, p. 42). Furthermore, construction-related emissions would occur only over a short duration, and would cease upon completion of construction activities (which for the Project are estimated to last approximately 24 months). Additionally, the GHG emissions associated with construction activities would not result in a net increase in GHG emissions from the site as compared to existing conditions, when considered in context with the substantial reduction in operational emissions due to traffic, water consumption, energy consumption, and solid waste generation. This is due, in part, to the way that GHG emissions are estimated, wherein construction emissions are amortized over a 30-year project lifetime pursuant to the recommendations of the SCAQMD (SCAQMD, 2008a, p. 42).

Based on the foregoing analysis, it is concluded that the proposed Project would result in a net reduction in GHG emissions as compared to existing conditions, because the Project would result in a substantial reduction in traffic generation, energy consumption, water consumption, and solid waste generation as compared to the site's existing uses. Accordingly, the Project would result in GHG emissions that are below the City of Newport Beach's screening threshold of 3,000 metric tons of CO₂e per year. Based on the City's interim threshold of significance for the evaluation of GHG emissions, the Project's emissions of GHGs is a less-than-significant impact and a detailed technical study is not required.

b) *Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Finding: No Impact. The proposed Project would comply with all applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions; accordingly, no impact due to a conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions would occur. Mitigation is not required.

As indicated in the discussion and analysis of Threshold I under Greenhouse Gas Emissions, above, the proposed Project would generate GHG emissions below the interim significance thresholds established by the City of Newport Beach for evaluating the significance of a project's GHG emissions. Additionally, activities associated with the Project would be subject to all applicable federal, state, and regional requirements adopted for the purpose of reducing GHG emissions, including, but not limited to: AB 32; SB 375; AB 1493; Titles 17, 20, and 24 of the California Code of Regulations; AB 1881; SB 1368; SB 1078; and the applicable policies of the City's General Plan that reduce GHG emissions. There are no other plans, policies, or regulations adopted for the purpose of reducing GHG emissions that are applicable to the Project area; therefore, the proposed Project would have no potential to conflict with such plans, policies, or regulations. Accordingly, no impact would occur.

5.4.7.3 Greenhouse Gas Emissions: Mitigation Measures

Implementation of the proposed Project would result in no impacts or less-than-significant impacts due to GHG emissions; therefore, mitigation measures would not be required.

**5.4.8 Hazards and Hazardous Materials**

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5.4.8.1 Hazards and Hazardous Materials: Environmental SettingExisting Environmental Site Conditions

Professional Service Industries, Inc. (PSI) performed a Phase I Environmental Site Assessment (Phase I ESA) for the Project site (Technical Appendix E1) to evaluate whether the Project site contains any recognized environmental conditions (RECs) under existing conditions that could affect human health or the environment. Based on the results of this analysis, it was determined that the site is adjacent to an existing dry cleaning operation located northwest and adjacent to the site. The dry cleaning operation was considered to comprise a potential REC under existing conditions. (PSI, Inc., 2012b, pp. 1-2)



However, based on the results of a Phase II Environmental Site Assessment (Phase II ESA) that was also conducted by PSI, the Project site does not contain any concentrations of chlorinated solvents above the laboratory reporting limit or regulatory limit; accordingly, potential contamination associated with the dry cleaning operation does not represent a REC, and no further analysis or remediation is required (PSI, Inc., 2013, p. 3).

Additionally, based on the results of the Phase I ESA, it was concluded that the proposed Project site is not identified as a hazardous materials site in any regulatory databases, thereby indicating that the site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (PSI, Inc., 2012b, pp. 17-18).

Asbestos Containing Materials

Asbestos is a carcinogen and is categorized as a hazardous air pollutant by the federal Environmental Protection Agency (EPA). Federal asbestos requirements are found in National Emission Standards for Hazardous Air Pollutants (NESHAP) within the Code of Federal Regulations (CFR) Title 40, Part 61, Subpart M, and are enforced in the Project area by the SCAQMD.

In conformance with the NESHAP, AQMD Rule 1403 adopted by the SCAQMD on October 6, 1989, establishes survey requirements, notification, and work practice requirements to prevent asbestos emissions from emanating during building renovation and demolition activities. Rule 1403 requires the inspection, identification, and quantification of all friable², Class I, and Class II non-friable ACMs. Class I non-friable ACMs are materials containing more than 1% asbestos, and that when dry, can be broken, crumbled, pulverized, or reduced to powder in the course of demolition or renovation activities. Class II non-friable ACMs include all other material containing more than 1% asbestos that is neither friable nor Class I nonfriable. (SCAQMD, 2013)

If ACMs are present, then Rule 1403 requires notification of the SCAQMD prior to commencing any demolition or renovation activities. Notification includes, but is not limited to, the following: time schedule for demolition activities; description of work practices and engineering controls to be used to comply with Rule 1403; name and location of the waste disposal site where asbestos containing waste materials (ACWM) will be deposited; identification of remediation actions to be undertaken in the event that ACMs become crumbled, pulverized, or reduced to powder. Rule 1403 also sets forth specific procedures for the removal of asbestos, and requires that an on-site representative trained in the requirements of Rule 1403 be present during the stripping, removing, handling, or disturbing of ACM. (SCAQMD, 2013)

Additionally, the California Department of Occupational Safety and Health (DOSH) considers a material to be asbestos-containing construction material (ACCM) if at least one sample is determined to contain asbestos in an amount greater than one-tenth of one percent (>0.1%).

Asbestos studies were conducted by PSI for the existing commercial office building and church/church reading room building pursuant to the survey requirements of AQMD Rule 1403. The assessments were conducted to determine whether the buildings contain asbestos-containing materials (ACMs). The assessment of potential ACMs is contained in Technical Appendices E3 and E4 for the commercial office building and church building, respectively. Of the 214 samples of materials collected by PSI at the commercial office building, laboratory testing results indicated detectable levels of asbestos (including friable ACMs) in flooring, mastic, smooth plaster lid, plaster ceiling, joint compound, roof mastic,

² NESHAP defines a friable ACM as any material containing more than one percent asbestos that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure (PSI, Inc., 2012c, Section 4).



Sprayed-On-Acoustic (SOA) plaster, and SOA drywall ceilings. Of the 81 samples of material collected by PSI at the church building, laboratory testing indicated detectable levels of asbestos in roof flashing, roof mastic, joint compound, air cell debris, 9-inch floor tile and associated mastic, mudded joint/ceiling, white sheet flooring and associated mastic, beige 12" floor tile and associated mastic, brown mastic, and acoustic ceiling. (PSI, Inc., 2012c, Section I; PSI, Inc., 2012d, Section I)

Lead

Federal efforts to regulate components painted with lead-based paint (LBP) began with the enactment of the Lead-Based Paint Poison Prevention Act (LBPPPA) in 1971. In 1973, the Consumer Product Safety Commission (CPSC) defined lead-based paint as paint having lead content equal to or greater than 0.5 percent by weight in a dry film of newly applied paint. In 1978, the CPSC lowered the allowable lead levels in new paint to 0.06%. Federal and State Occupational Health and Safety Administration (Fed-OSHA 29 CFR 1920.1025 and the Division of Occupational Safety and Health (DOSH) under Title 8 CCR 1532.1) do not define the amount of lead in paint in a regulatory requirement; rather the activities or task define when the regulation is in effect. Both Federal and State standards use the term "trigger task" activities. In the work place, employers must make certain assumptions of the exposure levels and comply with the regulations based on the level of disturbance rather than the lead level.

Title 17, California Code of Regulations (CCR), Division 1, Chapter 8: *Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards*, defines lead-based paint as paint or other surfacing coating that contains an amount of lead equal to, or in excess of, one milligram per square centimeter (1.0 mg/cm²) or more than 0.5% by weight. In practice, this is interpreted to mean that any detectable amount of lead is regulated. For example, employees who perform trigger tasks (such as manual demolition) are required to receive employer provided training, air monitoring, protective clothing, respirators, and hand washing facilities. In addition, there are standard work practices required such as the use of wet methods and HEPA vacuums.

PSI conducted assessments of the existing commercial office building and the church building to determine whether the buildings contain lead paints. The assessment of lead paints for the commercial office building is contained in Technical Appendix E3 and the assessment for the church/church reading room building is contained in Technical Appendix E4. Based on the analysis of the commercial office building, three of the nine samples contained detectable levels of lead (PSI, Inc., 2012c, Section I). Based on the analysis of the church building, two of three samples contained detectable levels of lead (PSI, Inc., 2012d, Section I).

Existing School Facilities

The nearest school facility to the proposed Project site is the Horace Ensign Intermediate School, which is located at 2000 Cliff Drive in the City of Newport Beach, approximately 0.5 mile northeast of the Project site (Google Earth, 2011).

Existing Airport Facilities

The nearest aviation facility to the proposed Project site is the John Wayne International Airport (JWA), located approximately 4.4 miles northeast of the proposed Project site. According to the Airport Environs Land Use Plan (AELUP) for the JWA, the Project site is not located within the Airport Planning Area, the Airport Impact Zones, the AELUP Notification Area for JWA, or the Airport Safety Zones (OCALUC, 2008, Figure I and Appendix D). The Project site is, however, located within the FAR Part 77 *Obstruction Imaginary Surfaces and Notification Area* for the JWA. The "notification surface" is defined by the AELUP by extending a slope at a gradient of 100:1 (horizontal to vertical) from the airport facility. If an application for proposed new development would protrude into the notification surface, then



notification to the Federal Aviation Administration (FAA) would be required. (OCALUC, 2008, Page 13 and Appendix D) There are no other public or private airports within the vicinity of the proposed Project site with a potential to subject the Project site to airport-related hazards.

The Newport Beach General Plan Safety Element identifies the Balboa Peninsula (including the Project site) as an area vulnerable to aviation hazards. Additionally, due to the age of many of the structures on the Balboa Peninsula and the fact that these structures were built prior to adoption of current fire codes, the General Plan indicates that a fire resulting from an aviation accident could spread quickly. (Newport Beach, 2006a, p. 11-18)

Emergency Management Planning

The City of Newport Beach Emergency Management Plan (EMP) identifies the development and implementation of disaster training for City employees. The EMP describes the different levels of emergencies, the local emergency office, and City staff responsible for implementing the plan. The EMP does not identify the Project site as part of an evacuation route or identify any emergency planning requirements specific to the Project site or immediately surrounding areas. (Newport Beach, 2006b, p. 4.6-9; Newport Beach, 2011c) Additionally, the EMP identifies tsunami evacuation routes, tsunami evacuation sites, and response plans, and utilizes an outdoor emergency siren system to provide residents with advance warnings of potential tsunami emergencies (the Project site is within the coverage area of the outdoor emergency siren within Veterans Memorial Park) (Newport Beach, 2011c, pp. 94-111). Via Lido is identified as a tsunami evacuation route for residents of Lido Village and Lido Isle (Newport Beach, 2010b).

Fire Hazards

According to the General Plan Safety Element, the Project site and surrounding areas have a low or no susceptibility to wildfire hazards (Newport Beach, 2006a, Figure S4). However, the Safety Element also notes that many structures within the Balboa Peninsula (including the proposed Project site) are susceptible to urban fires, as these areas "...were built to older building standards and fire codes, made from non-fire-resistive construction materials, and built with no internal sprinklers and other fire safety systems are in place" (Newport Beach, 2006a, p. 11-12).

5.4.8.2 Hazards and Hazardous Materials: Impact Analysis

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- a) *Would the Project create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?*
- b) *Would the Project Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
-

Finding: Less than Significant with Mitigation Incorporated. Based on the findings of the Phase II ESA, the Project site does not contain any environmental hazards that could pose a threat to future Project residents or the environment. In addition, the existing buildings on the site that would be demolished as part of the Project contain friable asbestos materials and materials coated with lead-based paint, both of which have the potential to expose construction workers and/or nearby sensitive receptors to health risks during demolition activities. Asbestos-containing materials and materials containing lead-based paints have the potential to create a significant hazard to the public or the environment. Implementation of Mitigation Measures MM HM-1 and MM HM-2 would reduce these impacts to less-than-significant levels.



Impacts Due to Existing Site Conditions

The Phase I ESA prepared by PSI determined that the Project site has the potential to be impacted by chemicals from an off-site dry cleaning operation located northwest of and adjacent to the site (PSI, Inc., 2012b, pp. 1-2). However, based on the results of a Phase II Environmental Site Assessment (Phase II ESA) that was also conducted by PSI, the Project site does not contain any concentrations of chlorinated solvents above the laboratory reporting limit or regulatory limit (PSI, Inc., 2013, p. 3). Accordingly, there are no conditions on-site that could result in hazardous materials impacts to future Project residents or the environment.

Impacts During Construction and Demolition Activities

The existing commercial office building and church building were determined by PSI to contain ACMs. During demolition of the buildings, there is a potential that construction workers could be exposed to friable asbestos materials, which are known to cause human health problems, including cancer. ACMs also have the potential to become airborne during demolition activities, potentially affecting nearby sensitive receptors. The demolition of structures containing ACMs is regulated by AQMD Rule 1403, which identifies requirements that must be adhered to during demolition of buildings containing ACMs. Mandatory compliance with the provisions of Rule 1403 would ensure that Project demolition activities do not expose construction workers or nearby sensitive receptors to significant health risks associated with ACMs. Because the Project would be required to comply with AQMD Rule 1403 during demolition activities, impacts due to asbestos would be less than significant. Nonetheless, Mitigation Measure HM-1 is provided below to ensure Project compliance with all applicable provisions of Rule 1403.

PSI also determined that the existing commercial office building and church building contain LBPs. During the demolition of the buildings, there is a potential for exposing construction workers to health hazards associated with lead. The Project would be required to comply with Title 17, California Code of Regulations (CCR), Division 1, Chapter 8, which includes requirements such as employer provided training, air monitoring, protective clothing, respirators, and hand washing facilities. In addition, there are standard work practices required such as the use of wet methods and HEPA vacuums. Mandatory compliance with Title 17, California Code of Regulations (CCR), Division 1, Chapter 8 would ensure that construction workers are not exposed to significant LBP health hazards during demolition, and would reduce impacts to a level below significant. Although compliance with these provisions is mandatory, Mitigation Measure HM-2 is provided below to ensure Project compliance with the CCR requirements for LBPs.

Heavy equipment would be used during construction of the proposed Project, which would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the proposed Project than would occur on any other similar construction site, and such impacts would be less than significant.

There are no other components of the Project's proposed construction or demolition characteristics that have the potential to create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials.



Impacts During Long-Term Operation

Under long-term operational conditions, the Project site would be occupied by 23 townhomes. Household goods used by residential homes that contain toxic substances are usually low in concentration and small in amount; therefore, there is no significant risk to humans or the environment from the use of such household goods. Residents are required to dispose of household hazardous waste including pesticides, batteries, old paint, solvents, used oil, antifreeze, and other chemicals at a Household Hazardous Waste Collection Facility. Also, as of February 2006, fluorescent lamps, batteries, and mercury thermostats can no longer be disposed in the trash. The nearest collection site for household hazardous waste is the Rainbow Recycling and Disposal, located at 17121 Nichols Street in the City of Huntington Beach (approximately 9.0 roadway miles north of the Project site). Accordingly, there would be no impact during long-term operation of the proposed Project.

c) *Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Finding: No Impact. The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would occur and mitigation is not required.

The nearest school facility to the proposed Project site is the Horace Ensign Intermediate School, which is located approximately 0.5 mile northeast of the Project site. There are no existing or proposed schools within one-quarter mile of the site. Moreover, the Project proposes to develop the site with residential land uses, which are not associated with hazardous emissions or the storage or use of acutely hazardous materials, substances, or waste. Therefore, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and no impact would occur.

d) *Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Finding: No Impact. The Project site is not identified on a list compiled pursuant to Government Code Section 65962.5; therefore, the Project has no potential to create a significant hazard to the public or environment as the result of listed properties. No impact would occur and mitigation is not required.

According to the results of the Phase I ESA, the Project site was not identified during a search of regulatory databases, thereby indicating that the site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (PSI, Inc., 2012b, pp. 17-18). Therefore, the Project has no potential to create a significant hazard to the public or the environment due to presence of an existing hazardous materials site identified on a list compiled pursuant to Government Code Section 65962.5, and no impact would occur.



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- e) *For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*
-

Finding: Less-than-Significant Impact. The proposed Project would result in a less-than-significant impact due to the exposure of people residing or working in the area to safety hazards associated with operations at John Wayne Airport.

The only airport within the Project vicinity is the John Wayne Airport (JWA), which is located approximately 4.4 miles northeast of the Project site. According to the AELUP for JWA, the Project site is not located within the Airport Planning Area, the Airport Impact Zones, the AELUP Notification Area for JWA, or the Airport Safety Zones (OCALUC, 2008, Figure I and Appendix D). Accordingly, and based on the AELUP, the Project would not result in a safety hazard for people residing or working in the area.

The Project site is, however, located within the FAR Part 77 *Obstruction Imaginary Surfaces and Notification Area* for JWA, which is defined by extending a slope at a gradient of 100:1 (horizontal to vertical) from the JWA. The nearest portion of the JWA to the Project site is located at an elevation of approximately 53 feet above mean sea level (amsl) (Google Earth, 2011). Since the Project site is located approximately 23,050 feet from the JWA, the notification surface above the Project site is approximately 283.5 feet amsl ($[23,050 \text{ feet} \div 100] + 53 \text{ feet amsl} = 283.5 \text{ feet amsl}$). The highest grade elevation of the Project site is approximately 11.0 feet, and the maximum height of architectural projections for the proposed Project's buildings would be 39 feet; thus, proposed buildings on-site would extend to a maximum elevation of 50 feet amsl, which is well below the FAR Part 77 notification surface of 283.5 feet. Accordingly, notification to the FAA would not be required, and no impact would occur.

The General Plan Safety Element indicates that the Balboa Peninsula (including the proposed Project site) is an area of increased vulnerability to fires caused by an aviation hazard. The Safety Element indicates that this vulnerability is the result of the age of the existing structures throughout the Balboa Peninsula and their attendant lack of modern construction and fire safety considerations. As a result, the General Plan indicates that a fire caused by an aircraft accident could spread quickly throughout the Balboa Peninsula. The Project proposes the removal of two older buildings and redevelopment of the 1.2 acre property with new construction, which would adhere to current fire protection regulations and thereby improve fire safety. Accidents involving commercial aircraft are very rare events, and the proposed Project would not result in an increased safety hazard for people residing in the Project area. Impacts would be less than significant.

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- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*
-

Finding: No Impact. No private airstrips are located in the vicinity of the Project site; therefore, the Project has no potential to result in a safety hazard for people residing or working in the area caused by private airstrips. No impact would occur and mitigation is not required.

There are no private airstrips within the Project vicinity. Accordingly, the Project would not result in a safety hazard for people residing or working in the area caused by private airstrips, and no impact would occur.



g) *Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Finding: No Impact. The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur and mitigation is not required.

The City of Newport Beach EMP is the only emergency response plan applicable to the Project site. The EMP does not identify any specific requirements for the Project site, nor is the site identified by the EMP as being part of an emergency evacuation route. However, Via Lido is considered a tsunami evacuation route.

Additionally, the Project would not require the complete closure of any public or private streets or roadways during construction, although the western half of Via Lido would be temporarily closed northerly of Via Malaga during installation of the Project's sewer connection for a period of up to two weeks. Traffic control measures would be required pursuant to Chapter 12.62 (Temporary Street Closure) of the City's Municipal Code. Because only a portion of the street would be closed for a period of up to two weeks, during which two-way access still would be accommodated in accordance with Chapter 12.62, temporary construction activities would not impede use of the road during emergencies (including tsunamis) or access for emergency response vehicles. Furthermore, the Project's application materials were reviewed by the City of Newport Beach Fire Department, which determined that the Project's design accommodates appropriate emergency access. The two-way drive aisle that is planned to traverse the site is appropriately designed to accommodate emergency vehicles. Accordingly, the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and no impact would occur.

h) *Would the Project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Finding: Less-than-Significant Impact. The Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. A less-than-significant impact would occur and mitigation is not required.

The General Plan Safety Element indicates that the Project site and surrounding areas are considered to have a low or no susceptibility to wildland fire hazards (Newport Beach, 2006a, Figure S4). However, and as discussed above, the Balboa Peninsula contains many older buildings that were built prior to current fire codes and do not contain fire protective measures typical of modern construction. As a result, the General Plan indicates that fires within the Balboa Peninsula (including within the Project area) could potentially spread quickly. The proposed Project would remove two existing buildings from the property and redevelop the site with new construction in accordance with modern building codes, including fire protection measures that would attenuate the risk of fire hazards. Furthermore, any fires within the Project area would not comprise wildland fires, because there are no wild lands on or near the Project site. Accordingly, the Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, and a less-than-significant impact would occur.

5.4.8.3 Hazards and Hazardous Materials: Mitigation Measures

MM HM-1 The City of Newport Beach shall condition all demolition permits to comply with South Coast Air Quality Management District (SCAQMD) Rule 1403 with respect to asbestos



containing materials and the demolition contractor shall be required to comply with Rule 403. All asbestos-related work conducted during the demolition process shall be performed by a licensed Asbestos-abatement Contractor under the supervision of a certified Asbestos Consultant. Asbestos-containing construction materials (ACCMs) shall be removed and disposed of in compliance with notification and asbestos-removal procedures outlined in SCAQMD Rule 1403 to reduce asbestos-related health risks. During demolition, the demolition contractor shall maintain all records of compliance with Rule 1403, including, but not limited to, the following: evidence of notification of SCAQMD pursuant to Rule 1403; contact information for the Asbestos-abatement Contractor and Asbestos Consultant; and receipts (or other evidence) of off-site disposal of all ACCMs. These records shall be made available for City inspection upon request.

Implementation of Mitigation measure MM HM-1 would reduce impacts associated with ACCMs to a level below significance.

MM HM-2 The City of Newport beach shall condition all demolition permits to comply with Title 17, California Code of Regulations (CCR), Division 1, Chapter 8 (LBP Regulations), which addresses requirements for the removal of components painted with lead-based paint (LBP) during demolition of existing structures. The demolition contractor shall be required to comply with these provisions. Notification to the California Department of Public Health (CDPH) shall be conducted through completion of an Abatement of Lead Hazards Notification, CDPH Form 8551. The removal of all LBP materials shall be conducted:

- By a Certified Lead Supervisor or Certified Lead Works, as defined by §§ 35008 and 35009 of the LBP Regulations, respectively;
- In accordance with the procedures specified in Chapter 12: Abatement, “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” U.S. Department of Housing and Urban Development, June 1995;
- Using containment and in a manner which does not result in contamination of non-work areas with lead-contaminated dust, lead-contaminated soil, or lead-based paint debris; and
- In accordance with an abatement plan prepared by a certified lead supervisor, certified lead project monitor, or certified lead project designer, which includes all of the requirements as specified in § 36100(4)(A) of the LBP Regulations

The Certified Lead Supervisor conducting abatement shall retain records of the notification to the CDPH, and shall retain a copy of the abatement plan on-site at all times during demolition activities. The notification and abatement plan shall be made available to the City upon request for review. All demolition activities shall be subject to inspection by the CDPH and/or City officials to ensure compliance with the requirements of the LBP Regulations and abatement plan. Following completion of all abatement activities, a clearance inspection shall be conducted by a certified lead inspector/assessor or certified lead project monitor in accordance with §§ 36000(a) and 36000(c)(3) of Title 17, CCR, Division 1, Chapter 8. A copy of the results of the clearance inspection shall be provided to the City Planning Division upon completion of abatement and inspection activities.



Implementation of Mitigation measure MM HM-2 would reduce impacts associated with LBP-containing materials to a level below significance.

5.4.9 Hydrology and Water Quality

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) <i>Violate any water quality standards or waste discharge requirements?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Otherwise substantially degrade water quality?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Inundation by seiche, tsunami, or mudflow?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



5.4.9.1 Hydrology and Water Quality: Environmental Setting

Regional Hydrology

The Project site is located within the Newport Bay watershed, which drains approximately 152-square mile acres of coastal and central-southern Orange County to the Pacific Ocean. Specifically, the Project site is located within the Lower Bay sub-area of the Newport Bay watershed. Primary drainage sources within the Lower Bay sub-area include stormwater drains and natural creeks (C&V Consulting, 2013b, p. 9; OCPW, 2013)

Site Hydrology

Under existing conditions, the Project site is covered nearly in its entirety by impervious surfaces (96%), as the subject property is occupied by a commercial office building, church building and reading room, and a surface parking lot with little landscaping (C&V Consulting, 2013b, p. 4). Stormwater flows generally drain across the Project site in a northwesterly direction, where they are discharged off-site to the adjacent streets (Via Lido and Via Oporto), with the exception of stormwater flows generated in the southwestern corner of the Project site, which flow across the site in a southeasterly direction before discharging to Via Malaga. There are no underground storm drain facilities adjacent to the Project site, as stormwater flows are carried via surface gutters within Via Lido, Via Oporto, and Via Malaga to a catch basin that empties into Newport Bay (C&V Consulting, 2013a, Seciton III).

Flood Hazards

The entire Project site is located within FEMA Flood Zone “X (Shaded)”, indicating that the subject property is located outside of the 100-year floodplain in an area protected by levees but is within the 500-year floodplain (greater than 0.2% annual chance of flooding) (C&V Consulting, 2013a, Seciton III). Zone “X (Shaded)” also is used to designate base floodplains of lesser hazards, such as areas protected by levees from 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than one square mile. The City of Newport Beach General Plan Figure S3, *Flood Hazards*, depicts areas of the City subject to flood hazards (including the proposed Project site). General Plan Figure S3 also indicates the Project site is not subject to flood hazards associated with dam inundation (Newport Beach, 2006a, Figure S-3).

Groundwater

As depicted on City of Newport Beach General Plan EIR Figure 4.7-1, *Water Resources*, the Project site is not located within a groundwater basin (Newport Beach, 2006b, Figure 4.7-1). In addition, the Project site is completely covered by impervious surfaces. As such, the Project site does not contribute to the recharge of any regional groundwater aquifer.

No potable water wells are located on or adjacent to the Project site under existing conditions.

Water Quality

The California Porter-Cologne Water Quality Control Act (Section 13000 (“Water Quality”) et seq., of the California Water Code), and the Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act (CWA)) require that comprehensive water quality control plans be developed for all waters within the State of California. In order to accomplish this, the California State Water Resources Control Board divided the state into planning regions and the present system of nine RWQCBs. The Project site and vicinity are located in the Newport Bay watershed, which is within the purview of the Santa Ana RWQCB.



Newport Bay receives stormwater drainage flows generated within the Project site and the surrounding area. Newport Bay is classified as an impaired water body, and has been placed on the CWA's Section 303(d) list of impaired waters, because of excessive concentrations of eight (8) pollutants ("pollutants of concern"), including: chlordane, copper, dichlorodiphenyltrichloroethane (DDT), indicator bacteria, nutrients, polychlorinated biphenyls (PCBs), pesticides, and sediment toxicity.

Tsunamis

Figure SI, *Coastal Hazards*, of the Newport Beach General Plan identifies areas within the City subject to coastal hazards, including tsunamis. As depicted on Figure SI, the Project site is located within 100-year tsunami inundation zone at extreme high tide (inundation elevation at 13.64 feet above sea level) (Newport Beach, 2006a, Figure SI). Furthermore, The Tsunami Inundation Map for Emergency Planning, Newport Beach Quadrangle, dated March 15, 2009, issued by the State of California-Orange County indicates that the Project site is located within a designated tsunami inundation area. As such, the potential exists for tsunami inundation to impact the site (PSI, Inc., 2012a, p. 7).

Seiches

A seiche is a standing wave in an enclosed or partially enclosed body of water, such as lakes, reservoirs, and bays, which can cause flooding. Causes of seiches include seismic activity and tsunamis, as well as wind and atmospheric pressure variations. The Project site is located approximately 165 feet west of Newport Bay in an area subject to tsunami hazards and regional seismic activity. As such, the potential exists for a seiche-induced flooding to impact the Project site.

Applicable Policies and Regulations

◆ *Federal Policies and Regulations*

The CWA is the principal federal statute that addresses water resources. The statute employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The broad goal is to restore and maintain the chemical, physical, and biological integrity of the nation's waters so that they can support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water."

The CWA requires all states to conduct water quality assessments of their water resources and identify water bodies that do not meet water quality standards. In California, water quality standards are established by the nine RWQCBs. The Project site is located in the Santa Ana region, and the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Plan is applicable to the Project site and vicinity.

The provisions of the CWA applicable to the proposed Project are as follows, which applies to all construction sites of over one acre in size:

- CWA Section 401 requires federal agencies to obtain a Water Quality Certification from states, territories, and Indian tribes before issuing permits that would result in increased pollutant loads to a water body. A Section 401 certification can be issued only if increased pollutant loads would not cause or contribute to exceedances of water quality standards; and
- CWA Section 402 authorizes the National Pollutant Discharge Elimination System (NPDES) permit program that covers point sources of pollution discharging to a water body. The NPDES program also requires operators of construction sites one acre or larger to prepare a Stormwater Pollution Prevention Plan (SWPPP) and obtain authorization to discharge stormwater under an NPDES construction stormwater permit.



◆ *State Policies and Regulations*

The California Water Code (including the Porter-Cologne Water Quality Control Act (Division 7)) is the principal state law regulating water quality in California. The Porter-Cologne Water Quality Control Act establishes a comprehensive program to protect water quality and the beneficial uses of water, and applies to both surface and groundwater. As mentioned above, the State Water Resources Control Board adopts statewide water quality control plans and its nine RWQCBs are required to develop and adopt regional water quality control plans ("basin plans") that conform to state water quality policy. As mentioned above, the Project site is located in the Santa Ana region. As such, the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Plan is applicable to the Project site; it designates beneficial uses of water bodies to be protected and establishes water quality objectives.

◆ *Municipal Code Chapter 14.36*

Chapter 14.36 (Water Quality) of the City of Newport Beach Municipal Code requires the City to participate as a "Co-permittee" under the NPDES permit program to accomplish the requirements of the Clean Water Act. Pursuant to this chapter, the City is required to participate in the improvement of water quality and comply with Federal requirements for the control of urban pollutants to stormwater runoff.

◆ *Municipal Code Chapter 15.10*

Chapter 15.10 (Excavation and Grading Code) of the City of Newport Beach Municipal Code requires that all proposed grading activities within the City obtain a grading permit from the City's Building Official. This chapter specifies grading, fill, drainage, and erosion control standards that shall be applied to the corresponding construction activity.

5.4.9.2 Hydrology and Water Quality: Impact Analysis

a) *Would the Project violate any water quality standards or waste discharge requirements?*

Finding: Less-than-Significant Impact. The Project would not violate any water quality standard or waste discharge requirement. Impacts would be less than significant and mitigation is not required.

Construction-Related Water Quality Impacts

Construction of the proposed Project would involve the demolition of the existing structures and parking lot on-site and substantial ground disturbance, resulting in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana RWQCB and the City of Newport Beach, the Project would be required to obtain a NPDES Municipal Stormwater Permit for construction activities. The NPDES permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. In addition, the Project would be required to comply with the Santa Ana RWQCB's *Santa Ana River Basin Water Quality Control Program*. Compliance with the NPDES permit and the *Santa Ana River Basin Water Quality Control Program* involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP would specify the Best Management Practices (BMPs) that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern (including sediment) are



prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. Mandatory compliance with the SWPPP would ensure that the Project does not violate any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with construction activities would be less than significant and no mitigation measures would be required.

Post Development Water Quality Impacts

The proposed Project is not anticipated to substantially alter the character of storm water runoff discharged from the subject property as compared to existing conditions. Storm water pollutants commonly associated with the land uses proposed by the Project (i.e., residential) include tire-wear residues, petroleum products such as oil and grease, metals, landscaping fertilizer and pesticides, bacteria and viruses, as well as litter and other types of wastes. These urban types of storm water pollutants are also characteristic of the land uses that occupy the Project site under existing conditions (i.e., commercial office, church, and surface parking lot).

Because more landscaped area and less impervious surface area is proposed by the Project than occurs on the site under existing conditions, the Project would reduce the amount of storm water runoff discharged from the subject property as compared to existing conditions. Under existing conditions, the Project site is nearly completely covered by impervious surfaces (96% coverage); with implementation of the proposed Project, the amount of impervious surfaces on the subject property would be reduced to 89% (C&V Consulting, 2013b, pp. 4, 12-15). The additional permeable surfaces proposed by the Project would increase the amount of storm water runoff infiltration on-site as compared to existing conditions thereby reducing the volume of storm water runoff (and pollutants) discharged into downstream receiving waters.

Furthermore, the Project would be required to prepare and implement a Water Quality Management Plan (WQMP), pursuant to the requirements of the City's NPDES permit. The WQMP is a post-construction management program that ensures the on-going protection of the watershed basin by requiring structural and programmatic controls. The Project's WQMP (Appendix D) identifies structural controls (including landscape areas and permeable pavers) and programmatic controls (including educational materials for property owners, irrigation system and landscape maintenance, and common area litter control) to minimize, prevent, and/or otherwise appropriately treat storm water runoff flows before they are discharged from the site. Mandatory compliance with the WQMP would ensure that the Project does not violate any water quality standards or waste discharge requirements during long-term operation. Therefore, water quality impacts associated with post-development activities would be less than significant and no mitigation measures would be required.

b) *Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

Finding: No Impact. The Project site is not located within a groundwater recharge basin, and implementation of the Project would not result in a net deficit in aquifer volume or lowering of the local groundwater table. No impact would occur and mitigation is not required.

No groundwater wells are located on the Project site or proposed as part of the Project. Therefore, implementation of the proposed Project would not deplete groundwater supplies associated with water



well withdraw. Additionally, as discussed under Utilities and Service Systems (refer to Section 5.4.17), the proposed Project would use less domestic water than is demanded by the existing uses on the site. For these reasons, no impact associated with groundwater supply depletion would occur.

The Project site is not located within a groundwater basin and therefore cannot contribute to the recharge of any regional aquifer or local water table with beneficial potable water uses (Newport Beach, 2006b, Figure 4.7-1 and pp. 4.7-32 to 4.7-33). Regardless, implementation of the Project would decrease the amount of impervious surfaces on-site as compared to existing conditions, which in turn would increase the amount of percolation of on-site surface runoff flows into the ground (C&V Consulting, 2013a, Section III). Accordingly, implementation of the Project would not interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. No impact would occur.

c) *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

Finding: Less-than-Significant Impact. The proposed Project would not substantially alter the existing drainage pattern of the subject property or surrounding area in a manner that would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant and mitigation is not required.

Under existing conditions, surface storm water runoff flows from the southwestern corner of the Project site, generally traverses across site in a southeasterly direction, and is discharged off-site into surface gutters along Via Malaga. Surface stormwater flows from all other portions of the site generally traverse across site in a northwesterly direction and are discharged off-site into surface gutters along Via Lido and Via Oporto. With implementation of the Project, the site's existing hydrological characteristics would not be substantially altered; storm water runoff flows generated within the subject property would continue to be discharged into surface gutters along Via Lido, Via Oporto, and Via Malaga (C&V Consulting, 2013a, Section III). With buildout of the proposed Project, runoff from the subject property would continue to be conveyed to local surface gutters, and ultimately to Newport Bay, and the site's general drainage pattern would be maintained. Additionally, as described above under Hydrology and Water Quality Threshold a), the Project would install pervious pavement and landscape areas as BMPs, which filter sediments from surface runoff and also promote surface runoff percolation, thereby reducing the total volume and sediment load within on-site surface runoff. Therefore, with buildout of the proposed Project, there would be no significant alteration of the site's existing drainage pattern and there would not be any significant increases in the rates of erosion or siltation on- or off-site. Impacts would be less than significant and no mitigation would be required.

d) *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?*

Finding: Less-than-Significant Impact. The proposed Project would neither substantially alter the existing drainage pattern of the subject property or surrounding area nor substantially increase the rate or amount of surface runoff discharged from the Project site in a manner that would result in flooding on- or off-site. Impacts would be less than significant and mitigation is not required.



As described above under Threshold c) of this section, the proposed Project would not substantially alter the drainage pattern of the subject property or the surrounding area. Furthermore, implementation of the proposed Project would reduce the amount of impervious surfaces on-site from 96% under existing conditions to approximately 89% under proposed post-development conditions (C&V Consulting, 2013b, p. 4). By reducing the amount of impervious surfaces on the subject property, the proposed Project would increase the amount of percolation that occurs on-site, thereby reducing the amount of storm water discharged from the site as compared to existing conditions. Additionally, the peak flow rate of storm water runoff discharged from the Project site during a 100-year storm would be reduced from 5.96 cubic feet per second (cfs) under existing conditions to 5.56 cfs under proposed post-development conditions (C&V Consulting, 2013a, Section III). Refer to Technical Appendix C, *Hydrology Report*, for more detailed information. Because the Project would not substantially alter the drainage patterns of the subject property or surrounding area and would not substantially increase the rate or amount of storm water runoff discharged from the site, implementation of the Project would not result in or increase flood hazard risks on- or off-site. Impacts would be less than significant.

e) *Would the Project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Finding: Less-than-Significant Impact. The proposed Project would not create runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant and mitigation is not required.

As discussed above under Thresholds c) and d) of this section, the proposed Project is designed to ensure that post-development runoff rates and volumes closely resemble those that occur under existing conditions. Under existing conditions, surface runoff flows from the Project site are conveyed via surface gutters along Via Lido, Via Oporto, and Via Malaga to a catch basin downstream of the subject property before ultimately discharging into Newport Bay. Because the surface gutters and catch basin have sufficient capacity to convey runoff from the Project site under existing conditions, and because the rate and volume of runoff would be reduced with buildout of the proposed Project, the Project would not create or contribute runoff which would exceed the capacity of any existing or planned storm water drainage system. Impacts would be less than significant and no mitigation would be required.

As discussed under the analysis of Threshold a) of this section, the proposed Project would be required to comply with a future SWPPP and the Project's WQMP (Technical Appendix D), which would identify BMPs to be incorporated into the Project to ensure that near-term construction activities and long-term post-development activities of the proposed Project would not result in substantial amounts of polluted runoff. Therefore, with mandatory compliance with the Project's SWPPP and WQMP, the proposed Project would not create or contribute substantial additional sources of polluted runoff, and impacts would be less than significant. No mitigation would be required.

f) *Would the Project otherwise substantially degrade water quality?*

Finding: Less-than-Significant Impact. The proposed Project would not substantially degrade water quality. Impacts would be less than significant and mitigation is not required.

As discussed above under Threshold a) of this section, mandatory compliance with the Project's SWPPP during near-term construction activities and WQMP during long-term post-development activities



would reduce to a level below significant the Project's potential to generate substantial amounts of polluted runoff, including runoff containing pollutants of concern for downstream impaired waters. Other than surface storm water runoff from the site, there are no other known sources of pollutants that could adversely affect or degrade water quality. Accordingly, impacts would be less than significant and mitigation is not required.

g) *Would the Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

Finding: No Impact. The Project site is not located within a designated 100-year flood hazard area and the proposed Project would not place any housing within a designated 100-year flood hazard zone. No impact would occur and mitigation is not required.

The subject property is located outside of the 100-year floodplain in an area protected by levees. No portion of the Project site is located within a designated 100-year flood hazard area (C&V Consulting, 2013a, Section III; Newport Beach, 2006b, Figure S-3). Therefore, the Project would have no potential to place housing within a 100-year flood hazard area. No impact would occur.

h) *Would the Project place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

Finding: No Impact. The Project would not place any structure within a designated 100-year flood hazard area which would impede or redirect flood flows. No impact would occur and mitigation is not required.

As discussed under Threshold g) of this section, above, no portion of the Project site is located within a designated 100-year flood hazard area. Accordingly, the Project would not place any structure within a 100-year flood hazard area that could impede or redirect flood flows. No impact would occur.

i) *Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

Finding: No Impact. The Project site is not located within an area subject to significant flood hazard risks, and would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

As discussed under Thresholds g) and h) of this section, the proposed Project is not located within a designated 100-year flood hazard zone; therefore, flood flows would not pose a substantial safety risk to people or structures on the Project site. The entire Project site is located within FEMA Flood Zone "X (Shaded)", indicating that the subject property is located outside of the 100-year floodplain but is within the 500-year floodplain (greater than 0.2% annual chance of flooding) (C&V Consulting, 2013a, Section III). This Zone designates base floodplains of lesser hazards, such as shallow flooding areas with average depths of less than one foot or drainage areas less than one square mile. The remote potential of the Project site being flooded at up to one-foot of water depth would not expose people or the proposed townhouses to a significant risk of loss, injury, or death. This flooding risk is the same risk posed to the site and surrounding land uses under existing conditions. Figure S3, *Flood Hazards*, in the City's General Plan does not identify the Project site as being located within a dam inundation flood hazard area (Newport Beach, 2006a, Figure S-3). In addition, the City's General Plan EIR does not identify the Project location as being within an area subject to potential flooding due to dam or levee failure



(Newport Beach, 2006b, p. 4.7-40). Hydrology and Water Quality Threshold j), below, includes a discussion of the Project's potential to expose people or structures to flood hazards associated with seiches and/or tsunamis. Accordingly, the proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding from the failure of a levee or dam, and a less-than-significant impact would occur.

j) *Would the Project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?*

Finding: Less-than-Significant Impact. The proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow. Impacts would be less than significant and no mitigation is required.

The Project site is located within a designated tsunami inundation zone (Newport Beach, 2006a, p. 7, Figure SI; PSI, Inc., 2012a); however, the likelihood of a catastrophic-level tsunami impacting the subject property (or the City) is considered remote. Over 30 tsunamis have been recorded in the southern California region since the early 1800s, with most producing small waves between 0.5-1 feet in height (Newport Beach, 2011c, pp. 94-95). Regardless, the City has prepared an Emergency Management Plan, which identifies tsunami evacuation routes, tsunami evacuation sites, response plans, and utilizes an outdoor emergency siren system to provide residents with advance warnings of potential tsunami emergencies (the Project site is within the coverage area of the outdoor emergency siren within Veterans Memorial Park) (Newport Beach, 2011c, pp. 94-111). The City's implementation of its Emergency Management Plan would ensure that all residents on the Project site are exposed to less than significant safety hazards involving inundation by a tsunami. Implementation of the proposed project would result in a maximum of 23 additional dwellings within the identified tsunami inundation zone. This would not substantially increase exposure to existing hazards, or substantially affect evacuation of the Balboa Peninsula in the event of a tsunami; therefore, impacts would be less than significant.

The probability of the subject property being exposed to significant safety hazards due to inundation by a seiche is considered low (Newport Beach, 2006b, p. 4.7-19). Furthermore, seiche-related inundation would be restricted to the areas immediately surrounding the body of water. The Project site is located approximately 165 feet west of Newport Bay and the on-site grade is elevated above the water surface at heights ranging from approximately nine (9) to 11 feet amsl. The depth of Newport Bay in the vicinity of the Project site ranges from 20-30 feet deep with shallower depths closer to shore (Newport Beach, 2012b). Due to the distance from the Project site from Newport Bay, the elevation difference between the Project site and the Bay, and the depth of the Bay, it is highly unlikely that a seiche originating from within the Bay could cause any flooding at the Project site that would result in significant risk of loss, injury or death to people or structures. Accordingly, impacts related to seiche inundation would be less than significant.

Lands surrounding the Project site are generally characterized as flat and are developed with urban land uses. There are no prominent topographic landforms within the Project vicinity. Accordingly, the Project site is not subject to any mudflow hazards.

5.4.9.3 Hydrology and Water Quality: Mitigation Measures

Implementation of the Project would result in less-than-significant impacts to hydrology and water quality; accordingly, mitigation measures are not required.

**5.4.10 Land Use and Planning**

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) <i>Physically divide an established community?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with any applicable habitat conservation plan or natural community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.4.10.1 Land Use and Planning: Environmental SettingExisting Surrounding Land Uses

The Project site is abutted by three streets: Via Malaga, Via Lido, and Via Oporto. As shown previously on Figure 2-4, *Existing and Surrounding Land Uses*, adjacent to the proposed Project site on the north is an existing commercial office building. To the east of the proposed Project site, easterly of Via Lido, are several existing mixed-use and office buildings and several existing residential dwelling units with driveway and garage accesses from Via Lido. To the west of the proposed Project site, westerly of Via Oporto, is the former location of the Newport Beach City Hall, which is currently being considered for redevelopment with either an upscale hotel or a mixed-use residential/commercial project. Fire Station No. 2 will remain in service at its current location. To the north of the former City Hall site and northwest of the Project site is a mixture of commercial/retail land uses. To the south of the proposed Project site, southerly of Via Malaga, is a commercial real estate office building and church facility (St. James Church) beyond which is a 10-story residential building at the intersection of Via Lido and La Fayette Road. The Pacific Ocean is located approximately 0.3 mile to the west of the property and Newport Bay is located approximately 165 feet to the east.

Applicable Land Use Plans, Policies, and Regulations◆ *Newport Beach General Plan*

The City of Newport Beach approved a comprehensive update to its General Plan in November 2006. The General Plan has ten elements: Land Use Element, Harbor and Bay Element, Housing Element, Historical Resources Element, Circulation Element, Recreation Element, Arts and Cultural Element, Natural Resources Element, Safety Element, and Noise Element. The General Plan and these elements present a vision for the City's future and goals and policies to implement that vision.

As shown previously on Figure 2-5, under existing conditions the southern 0.4 acre of the Project site (Parcel A) is designated by the Newport Beach General Plan (hereafter, "General Plan") for "Private Institutions (PI)" land uses, while the northern 0.8 acre (Parcel B) is designated for "Multiple Unit Residential (RM)" land uses. The RM land use designation "...is intended to provide primarily for multi-family residential development containing attached or detached dwelling units." The PI designation "is intended to provide for privately owned facilities that serve the public, including places for religious



assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities.” (Newport Beach, 2006a, pp. 3-12 and 3-16)

As shown on Figure 2-5, General Plan designations surrounding the proposed Project site include Mixed-Use Vertical (MU-V) and Mixed-Use Water Related (MU-W2) to the north and northeast; Multiple Unit Residential (RM) and Recreational and Marine Commercial (CM) to the east; General Commercial (CG) and Private Institutions (PI) to the south; and Public Facilities (PF) and General Commercial (CG) to the west. (Newport Beach, 2006a, Figure LU6)

The Project site is located within Service Area I (West Newport) for recreational facilities, as indicated by the General Plan Recreation Element (Newport Beach, 2006a, Figure R2). The proposed project site is not located within the airport zone of the John Wayne Airport as defined by the General Plan Safety Element and Noise Element (Newport Beach, 2006a, Figure S5).

◆ *California Coastal Act and Coastal Land Use Plan*

The Coastal Zone Management Act (Title 16 U.S.C. 1451-1464) declares it a national policy to preserve, protect, develop, and where possible, to restore or enhance, the resources of the nation’s coastal zone and prohibits development 1,000 feet inland from California’s mean high tide without a permit from the state coastal commission. The California Coastal Act of 1976 established the California Coastal Commission and identified coastal resource planning and management policies to address public access, recreation, marine environment, land resources, and development. Implementation of California Coastal Act policies is accomplished primarily through the preparation of a Local Coastal Program (LCP) by the local government that is reviewed and certified (approved) by the Coastal Commission.

The City of Newport Beach does not have a certified LCP, and therefore, does not have the jurisdiction to issue Coastal Development Permits (CDP). The City does, however, have a Coastal Land Use Plan that has been certified by the California Coastal Commission. Because the City does not have permit jurisdiction, the City reviews pending development projects for consistency with the City’s General Plan, Coastal Land Use Plan, and Zoning regulations before an applicant can file for a CDP with the Coastal Commission. The City is presently in the process of preparing an Implementation Plan for the City’s Coastal Land Use Plan. The City relies on the California Coastal Commission to issue development permits.

The Coastal Land Use Plan sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and its sphere of influence, with the exception of Newport Coast and Banning Ranch. As shown previously on Figure 2-6, the Newport Beach Coastal Land Use Plan designates the southern 0.4 acre of the Project site (Parcel A) for “Private Institutions (PI-B)” land uses, while the northern 0.8 acre of the Project site (Parcel B) is designated for “Multiple Unit Residential (RM-D)” land uses (Newport Beach, 2009b, Figure 2.1-5-1). As stated in the Local Coastal Program Coastal Land Use Plan, the RM-D land use designation is intended to “...provide primarily for multi-family residential development containing attached or detached dwelling units” at densities ranging from 20.0 to 29.9 dwelling units per acre (du/ac). The PI-B land use designation “...is intended to provide for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities” at a floor area ratio (FAR) ranging from 0.00 to 0.75 (Newport Beach, 2009b, pp. 2-2 and 2-5)

As shown on Figure 2-6, the Coastal Land Use Plan designates the surrounding area as Mixed Use Vertical (MU-V) and Mixed-Use Water Related (MU-W) to the north and northeast; Multiple Unit Residential (RM-D) and Recreational and Marine Commercial (CM-A) to the east; General Commercial



(CG-B) and Private Institutions (PI-B) to the south; and Public Facilities (PF) and General Commercial (CG-B) to the west.

◆ *City of Newport Beach Zoning Code*

The City of Newport Beach Zoning Code carries out the policies of the City of Newport Beach General Plan. It is the intent of the Zoning Code to promote the orderly development of the City; promote and protect the public health, safety, peace, comfort, and general welfare; protect the character, social and economic vitality of the neighborhoods; and to ensure the beneficial development of the City (Newport Beach, 2012a). As shown previously on Figure 2-7, under existing conditions, the southern 0.4 acre (Parcel A) of the Project site is zoned for "PI (Private Institutions) Zoning District" while the northern 0.8 acre of the Project site (Parcel B) is zoned for "RM (Multiple Residential) Zoning District." The RM zoning designation "...is intended to provide for areas appropriate for multi-unit residential developments containing attached or detached dwelling units." The PI designation "...is intended to provide for areas appropriate for privately owned facilities that serve the public, including places for assembly/meeting facilities (e.g., religious assembly), congregate care homes, cultural institutions, health care facilities, marinas, museums, private schools, yacht clubs, and comparable facilities" (Newport Beach, 2012a, §§ 20.18.010 and 20.26.010).

◆ *Airport Environs Land Use Plan for John Wayne Airport*

According to the Airport Environs Land Use Plan (AELUP) for the John Wayne Airport (JWA), which is the nearest public airport to the proposed Project site, the proposed Project site is not located within the AELUP Notification Area for JWA, nor is the site subject to any impacts (safety or noise) due to airport operations. Accordingly, the proposed Project would not require review by the Airport Land Use Commission (ALUC) for Orange County. The Project site does, however, occur within the JWA Obstruction Imaginary Surfaces zone established pursuant to Federal Aviation Regulations (FAR) Part 77, although review by the ALUC only would apply if a project is proposed that exceeds the height limits established by FAR Part 77. (OCALUC, 2008)

◆ *Orange County Central and Coastal Natural Community Conservation Plan (NCCP) and Habitat Conservation Plan (HCP)*

The Orange County Central and Coastal Orange County Natural Community Conservation Plan (NCCP) and Habitat Conservation Plan (HCP) were completed in 1996, and the City of Newport Beach became a signatory agency in July of 1996. The purpose of the NCCP/HCP is to create a multi-species multi-habitat reserve system and implementation of a long-term management program that will protect primarily coastal sage scrub and the species that utilize this habitat. The NCCP/HCP focuses on multiple species and habitats and addresses the conservation of these species on a regional context. The three main target species are the coastal California gnatcatcher, cactus wren, and orange-throated whiptail, in addition to 26 other species that are also identified and afforded management protection under the NCCP/HCP. An additional ten species of plants and animals that are either federally listed or treated as if they were listed according to FESA Section 10(a) are addressed within the NCCP/HCP.

According to Figure 11 of the NCCP/HCP, *Preliminary Reserve Concept*, the Project site and surrounding areas are not targeted for conservation as part of the NCCP/HCP (Orange County, 1996, Figure 11).

◆ *Lido Village Design Guidelines*

The City of Newport Beach adopted the Lido Village Design Guidelines in December 2011, which provide design standards for the Lido Village Sub-Area. The Lido Village Design Guidelines are intended to guide future development within the Sub-Area to foster cohesive and attractive development within



Lido Village. The proposed Project site is located within the Lido Triangle Planning Area of the Lido Village Design Guidelines. The Design Guidelines include the following goals applicable to the Lido Triangle:

- Improvements should be sensitive to the less intensive existing land uses of worship and residential sites.
- Traffic calming devices should be incorporated into Via Lido to promote safe street environments for residents and patrons.
- Building massing should be more horizontal in form, reinforcing the pedestrian interface.
- Pursue added joint parking opportunities.

The Design Guidelines also incorporate design standards for pedestrianization/edge conditions, architecture, landscaping, hardscape treatments, walls, signage, and lighting. Compliance with the Lido Village Design Guidelines would be reviewed as part of the Site Development Review Permit and would be assured through the City's future review of building permits, as required by § 20.16.020 (General Requirements for Development and New Land Uses) of the City's Zoning Code.

5.4.10.2 Land Use and Planning: Impact Analysis

a) *Would the Project physically divide an established community?*

Finding: No Impact. The proposed Project would not physically divide an established community. No impact would occur and mitigation is not required.

Under existing conditions, the Project site is bounded on three sides by existing roadways (Via Malaga, Via Oporto, and Via Lido) and one side by commercial/office development. Land uses within the same block consist of commercial/office land uses. The only residential uses adjacent to the site under existing conditions occur to the east, on the opposite side of Via Lido. The Project would establish a new residential community development on a site that is currently used for commercial office and church land uses. As such, the proposed Project has no potential to physically divide an established community, and no impact would occur.

b) *Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

Finding: Less-Than-Significant Impact. Assuming approval of the Project's proposed General Plan Amendment, Coastal Land Use Plan Amendment, and Zoning Code Amendment, the proposed Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact, thereby resulting in less-than-significant impacts.

The land use plans, policies, and regulations applicable to the proposed Project include the City's General Plan, the Coastal Land Use Plan, the Zoning Code/Municipal Code, the AELUP for the JWA, and the Orange County Central and Coastal Orange County NCCP/HCP. Each of these plans, policies, and regulations is discussed below.

Analysis of Consistency with the City of Newport Beach General Plan

The Project proposes an amendment to the City's General Plan to change the designation of Parcel A from "Private Institutions (PI)" to "Multiple Unit Residential (RM)." There would be no change to the



existing land use designation of Parcel B, which would remain designated “Multiple Unit Residential (RM).” Since land uses proposed for Parcel B would be consistent with the RM land use designation, no conflict with the General Plan would occur on the northern portions of the site. Although the Project proposes to change the existing land use designation for the southern portion of the site (Parcel A), there would be no conflict with the General Plan assuming approval of GP2012-005 by the City Council.

During the City’s review of the Project applications, the Planning Division reviewed the proposed development for consistency with all applicable policies of the General Plan, and found that there would be no conflict with any applicable General Plan policies resulting from the construction of residential uses at the site. Land Use Element policies applicable to the Project’s proposed General Plan Amendment are as follows:

Policy LU 3.2 Growth and Change. Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

Consistency Analysis. The Project would introduce residential land uses to a site that abuts residential-serving land uses to the northeast and east. All buildings proposed by the Project are complementary in type, form, scale, and character with existing and proposed surrounding land uses. The provision of 23 townhomes on the site would help the City meet its regional housing needs, as the General Plan Housing Element identifies a need for the construction of 389 homes for “Very Low” income households, 319 homes for “Low” income households, 359 homes for “Moderate” income households, and 702 homes for persons with “Above Moderate” income levels. As indicated throughout the analysis in this MND, the Project would be served by adequate infrastructure and public services, and would not result in adverse impacts to traffic level of service. Accordingly, the proposed Project would be consistent with Policy LU 3.2.

Policy LU 4.2 Prohibition of New Residential Subdivisions: Prohibit new residential subdivisions that would result in additional dwelling units unless authorized by an amendment of the General Plan (GPA). Lots that have been legally merged through the Subdivision Map Act and City Subdivision Code approvals are exempt from the GPA requirements and may be re-subdivided to the original underlying legal lots. This policy is applicable to all Single Unit, Two Unit, and Multiple Unit Residential land use categories.

Consistency Analysis. The proposed Project would be consistent with Policy LU 4.2 because the Project’s applications include a General Plan Amendment (GP2012-005) to change a portion of the site’s existing land use designation to allow for subdivision of the site with multi-family residential land uses. Accordingly, the proposed Project would be consistent with or otherwise would not conflict with any policy of the General Plan Land Use Element.



Policy LU 5.1.2 Compatible Interfaces: Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development.

Consistency Analysis. The proposed Project site is surrounded by a mixture of high density residential, commercial, public facility, private institution, and recreational/marine commercial land uses. Although the Project consists of a proposal to re-designate the site to all for multiple unit residential land uses, the site does not abut lower-density residential areas. The buildings proposed as part of the Project would be similar in height to the existing office building located in the northern portion of the site. Specifically, the existing office building measures 35 feet in height, while the proposed buildings would measure up to 35 feet 4 inches in height, with architectural projections up to 39 feet. Unlike the existing building, the proposed buildings would include architectural projections for roof deck access that exceed the current height of the office building; however, the proposed buildings also would provide architectural variation that is compatible as it transitions between adjacent, slightly lower structures. In addition, the heights of the proposed buildings are consistent with existing building heights in the surrounding area, including existing office buildings and mixed-use (office and residential) buildings located north and east of the Project site, and an existing two- to three-story church building located south of the site. Based on this analysis, the Project has incorporated appropriate height transitions to minimize conflicts at the interface between different types of development and would not result in a substantial change in building heights as compared to the existing office use on-site; accordingly, the Project would not conflict with Land Use Element Policy LU 5.1.2.

Policy LU 5.1.2 Neighborhood Identification: Encourage and support the identification of distinct residential neighborhoods.

Consistency Analysis. The area surrounding the proposed Project contains high-density residential uses. The Project has been designed as a separate Planned Community. Implementation of the PC Text as part of the Project would help to create a separate and distinct identity for this Project as a multi-unit residential land use that would help support and provide a retail base for the mixed-use neighborhood of Lido Village in which the Project is located. Accordingly, development of the site with residential uses as proposed by the Project would not result in a conflict with Policy LU 5.1.2.

Policy LU 5.1.6 Character and Quality of Residential Properties: Require that residential front setbacks and other areas visible from the public street be attractively landscaped, trash containers enclosed, and driveway and parking paving minimized.

Consistency Analysis. The Project incorporates a variety of landscaped treatments for areas visible from the public street, as depicted on Figure 3-7 and Figure 3-8. All solid waste storage areas would be screened as required by Municipal Code § 20.030.020.C (Buffering and Screening) of the Newport Beach Municipal Code. Areas devoted to parking and driveways are proposed to include enhanced paving materials, with landscaped areas provided where possible to minimize the amount of paving on-site. Accordingly, the Project would be consistent with Land Use Element Policy LU 5.1.6.



Policy LU 5.1.9 Character and Quality of Multi-Family Residential: Require that multi-family dwellings be designed to convey a high quality architectural character in accordance with the following principles (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas):

Building Elevations

Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality

Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume

Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes

Ground Floor Treatment

Where multi-family residential is developed on large parcels such as the Airport Area and West Newport Mesa:

Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping.

Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking spaces.

Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways.

Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security (as shown below).

Roof Design

Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety.

Parking

Design covered and enclosed parking areas to be integral with the architecture of the residential units' architecture.

Open Space and Amenity

Incorporate usable and functional private open space for each unit.

Incorporate common open space that creates a pleasant living environment with opportunities for recreation.

Consistency Analysis. All buildings proposed as part of the Project are oriented towards the streets and incorporate architectural treatments to achieve quality urban design and neighborhood quality. Architectural treatments features off-setting planes and enhanced architectural elements to convey the character of separate living units and would not appear as a singular building volume. Building elevations included as part of the Project's plans identify high-quality architectural treatments fronting abutting streets. All units would be located directly along the sidewalk frontage and would be setback from the street and slightly elevated to



provide for security. Roof elements have been designed to provide for setbacks so as to reduce the apparent scale of the proposed buildings and to provide interest and variety. There are no covered or enclosed parking areas proposed as part of the Project. As indicated on Figure 3-9, the Project incorporates usable and functional private open space for each unit, and incorporates common open space areas to help promote a pleasant living environment with opportunities for passive recreational use by future Project residents. Therefore, the Project would be fully consistent with Land Use Element Policy LU 5.1.9.

Policy LU 6.2.1 Residential Supply: Accommodate a diversity of residential units that meets the needs of Newport Beach's population of fair share of regional needs in accordance with the Land Use Plan's designations, applicable density standards, design, and development policies, and the adopted Housing Element.

Consistency Analysis. As indicated below in the analysis of Project consistency with the General Plan Housing Element, the Project would be fully consistent with the Housing Element. The General Plan Housing Element identifies a need for the construction of 389 homes for "Very Low" income households, 319 homes for "Low" income households, 359 homes for "Moderate" income households, and 702 homes for persons with "Above Moderate" income levels. The Project would provide for 23 dwelling units, which would assist the City in meeting its housing needs. Housing in-lieu fees would be collected as part of the project to help the City meet its affordable housing needs.

Policy LU 6.9.1 Encourage uses that take advantage of Lido Village's location at the Harbor's turning basin and its vitality and pedestrian character, including visitor-serving and retail commercial, small lodging facilities (bed and breakfasts, inns), and mixed-use buildings that integrate residential with retail uses [areas designated as "MU-W2", Subarea "A"]. A portion of the Harbor frontage and interior parcels (Subarea "B") may also contain multi-family residential [designated as "RM(20/ac)"], and the parcel adjoining the Lido Isle Bridge, a recreational and marine commercial use [designated as "CM(0.3)"].

Consistency Analysis. The Project proposes to change a portion of the site's existing General Plan land use designation from "Private Institutions (PI)" to "Multiple Unit Residential (RM)," while the existing "Multiple Unit Residential (RM)" designation applied to the Project site would not be changed as part of the Project. The Project proposes to develop the site with 23 townhome units. The Project site is located within Subarea "B," of the Balboa Peninsular/Lido Village/Cannery Village/Mc Fadden Square, as identified on General Plan Figure LU19, where multifamily uses are encouraged. Accordingly, the proposed Project would be consistent with Policy LU 6.9.1.

The only goals/policies of the General Plan Harbor and Bay Element that are applicable to the Project are Policy HB 2.2 and Goal HB 8:

Policy HB 2.2 Land Use Changes. Consider the impact on water-dependent and water-related land uses when reviewing proposals for land use changes, considering both the subject property and adjacent properties.



Consistency Analysis. The proposed Project would have no impact on water-dependent or water-related land uses, when considered in the context of the Project surrounding land uses. The Pacific Ocean is located approximately 0.3 mile to the west of the property and Newport Bay is located approximately 165 feet to the east. The Project site does not front these water bodies and there is intervening development located between the Project site and these water bodies. Existing uses on-site are not water dependant or water related and the residential use of 23 townhomes proposed by the Project would not be water-dependent or water-related.

Goal HB 8. Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors and wetlands.

Consistency Analysis. The proposed Project would be required to comply with the Project's Preliminary WQMP, and also would be required to implement a SWPPP and Final WQMP to preclude water quality impacts during both construction and long-term operation. As such, the Project would not diminish the enhancement or protection of water quality in natural water bodies.

Accordingly, the proposed Project would be consistent with or otherwise would not conflict with any policy of the General Plan Harbor and Bay Element.

The General Plan Housing Element identifies a need for the construction of 389 homes for "Very Low" income households, 319 homes for "Low" income households, 359 homes for "Moderate" income households, and 702 homes for persons with "Above Moderate" income levels. The Project would provide for 23 dwelling units; accordingly, the Project would be consistent with the General Plan Housing Element by assisting the City in meeting its housing needs, as encouraged by Housing Element Goal H3. The proposed Project would be consistent with, or otherwise would not conflict with, all other goals and policies of the General Plan Housing Element.

The goals and policies of the General Plan Historical Resources Element are not applicable to the Project since the Project site does not contain any historical resources (as indicated under the analysis of Cultural Resources in Section 5.4.5). Accordingly, the Project would not conflict with any goals or policies of the Historical Resources Element.

As indicated in more detail in Section 5.4.16, *Transportation/Traffic*, the proposed Project would result in a net reduction in the amount of traffic generated from the site as compared to existing conditions, and therefore would have no adverse impact on the existing level of service (LOS) for City roadways or intersections. The Project also does not involve any improvements to any public roads. The proposed Project would be consistent with, or otherwise would not conflict with, all policies of the General Plan Circulation Element.

The General Plan Recreation Element and Figure R3 indicate the following for Service Area I (which includes the proposed Project site):

Service Area I—West Newport. Most of West Newport's recreation land is in beaches. There is a deficit of 21.6 acres, and a need for sports fields within a new community or neighborhood-level park. There is a future park site identified in this service area, Sunset Ridge Park which is designated as an active park to include ball fields, picnic areas, a playground, parking, and restrooms. Additionally, an active community park (possibly lighted) should be developed in Banning Ranch, regardless of the



ultimate development of the site, to accommodate the Service Area and Citywide needs for active sports fields.

As indicated, the Project site is not identified by the General Plan for improvement with any recreational resources, as recreational needs within Service Area I are planned to occur in other off-site locations. Moreover, the Project site is not of sufficient size to accommodate “sports fields within a new community or neighborhood-level park.” Additionally, and in accordance with the Recreation Element Policy R 1.1, the Project developer would be required to contribute in-lieu fees pursuant to the City’s Park Dedication Fee Ordinance. There are no other goals or policies of the General Plan Recreation Element (e.g., the site and surroundings) that are applicable to the proposed Project; accordingly, the proposed Project would be consistent with, or otherwise would not conflict with, all policies of the General Plan Recreation Element.

There are no policies within the General Plan Arts and Cultural Element that are applicable to the proposed Project; accordingly, the proposed Project would be consistent with, or otherwise would not conflict with, any policies of the General Plan Arts and Cultural Element.

The proposed Project would be required to comply with Chapter 14.16 (Water Conservation and Supply Level Regulations) of the City’s Municipal Code, which outlines water conservation requirements applicable to all developments. Compliance with Chapter 14.16 would ensure that the Project meets the General Plan Natural Resources Element’s Water Supply goals (Goal NR 1). The Project also would be required to comply with the Project’s Preliminary WQMP, and also would be required to implement a SWPPP and Final WQMP to preclude water quality impacts during both construction and long-term operation, thereby ensuring compliance with Natural Resources Element Goals NR 3 and NR 4. The Project would result in an overall reduction in air quality emissions from the site and would incorporate measures to reduce construction-related emissions (as indicated under the discussion and analysis of Air Quality in Section 5.4.3), and would therefore comply with Natural Resources Element Goals NR 6 through NR 8. Mitigation also has been incorporated to ensure that the Project would not result in impacts to archaeological or paleontological resources (refer to Section 5.4.5, Cultural Resources), and the Project would therefore comply with Natural Resources Element Goal NR 18. The Project would not have an adverse impact on the City’s visual resources (as indicated under Section 5.4.1, Aesthetics), and would comply with Natural Resources Element Goals NR 20 and NR 21. Furthermore, the Project would be required to comply with the state’s Title 24 standards, which incorporate measures that ensure the incorporation of energy conservation measures in new developments; accordingly, the Project would be consistent with the Natural Resources Element Goal NR 24. The remaining goals and policies of the Natural Resources Element are not applicable to the proposed Project. Accordingly, the proposed Project would be consistent with, or otherwise would not conflict with, all policies of the General Plan Natural Resources Element.

As indicated under Section 5.4.9, *Hydrology and Water Quality*, the impacts associated with tsunami hazards and seiches would be less than significant; thus, the Project would be consistent with General Plan Safety Element Goals S 1 and S 2. As indicated under Section 5.4.6, *Geology and Soils*, the Project would result in less-than-significant impacts associated with geologic hazards; as such, the Project would be consistent with General Plan Safety Element Goal S 4. The Project site is not subject to substantial flood or fire hazards, and the Project would be consistent with General Plan Safety Element Goals S 5 and S 6. As indicated under the discussion and analysis in Section 5.4.8, *Hazards and Hazardous Materials*, with the incorporation of mitigation measures to address asbestos containing materials and lead based paints during demolition of the existing structures on-site, the Project would fully comply with General Plan Safety Element Goal S 7. The Project site also is not subject to substantial risks from aviation hazards, and would therefore comply with General Plan Safety Element Goal S 8. The remaining



policies of the General Plan Safety Element are not applicable to the proposed Project. Accordingly, the proposed Project would be consistent with, or otherwise would not conflict with, all policies of the General Plan Safety Element.

As indicated under the discussion and analysis in Section 5.4.12, *Noise*, the proposed Project would not be subject to noise levels that exceed the City's noise standards, nor would the uses proposed by the Project expose any sensitive receptors to substantial noise increases. The Project also would be required to comply with the Municipal Code restrictions on construction-related noise. Accordingly, the proposed Project would be consistent with, or otherwise would not conflict with, all policies of the General Plan Noise Element.

Based on the foregoing analysis, and assuming approval of the Project's General Plan Amendment to change the site's existing land use designation, the proposed Project would not conflict with the City of Newport Beach General Plan goals and policies, and impacts would be less than significant.

Analysis of Consistency with the City of Newport Beach Coastal Land Use Plan

Coastal Land Use Plan Amendment No. LC2013-001 proposes to change the existing Coastal Land Use Plan designation for Parcel A of the Project site from "Private Institutions (PI-B)" to "Multiple Unit Residential (RM-D)" to match the land use designation of Parcel B, which would remain designated "Multiple Unit Residential (RM-D)." With approval of Coastal Land Use Plan Amendment No. LC2013-001, uses permitted within the "Private Institutions (PI-B)" land use designation would no longer be allowed on the southern portions of the site. These uses include privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities (Newport Beach, 2009, p. 2-5). There are no policies within the Coastal Land Use Plan that prohibit or discourage the proposed change of land use to residential. The Coastal Land Use Plan encourages retail and commercial uses that will enhance the vitality and pedestrian character of Lido Village. The Project would provide residential units that would support retail uses within Lido Village in a way that the existing church does not. Furthermore, the proposed land use change would not conflict with the Coastal Act Goals for the Coastal Zone, as the Project would not adversely affect the quality of the coastal zone environment or its natural and artificial resources, nor would the Project obstruct public access to or along the coast or affect any recreational activities in the coastal zone. Thus, the proposed Coastal Land Use Plan Amendment would not conflict with the City of Newport Beach Coastal Land Use Plan.

Assuming approval of Coastal Land Use Plan Amendment No. LC2013-001 by the Newport Beach City Council and the California Coastal Commission, the Project would be consistent with the land use designations applied to the site by the Coastal Land Use Plan, and no impact would occur. The 23 townhomes proposed for the site would be fully consistent with the site's existing and proposed designation of RM-D. The Project also would not conflict with any of the policies identified in the Coastal Land Use Plan for Land Use and Development within the Balboa Peninsula.

Policy 2.7-1 requires the City to "Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources." Although the Project would allow for an increase in height (from a maximum height of 28 feet to a maximum height of 35 feet 4 inches, with architectural projections allowed up to a height of 39 feet) as part of the site's proposed Planned Community (PC) zoning designation, the proposed height increase would not degrade the existing character of the site or its surroundings as more fully discussed in Section 5.4.1, *Aesthetics*, nor would the proposed height increase affect coastal access or coastal resources. Accordingly, the Project would not conflict with Policy 2.7-1 of the Coastal Land Use Plan.



The proposed Project would be consistent with, or otherwise would not conflict with, all of the policies of the Land Use and Development section of the Coastal Land Use Plan.

The proposed Project would have no impact on public access to coastal areas or coastal recreational resources. The Pacific Ocean is located approximately 0.3 mile to the west of the property and Newport Bay is located approximately 165 feet to the east. The Project site does not front these water bodies and there is intervening development located between the Project site and these water bodies. The project site is not identified for lateral or coastal access per the Coastal Access and Recreation Map (1 of 3) of the Coastal Land Use Plan. As such, the proposed Project would be consistent with, or otherwise would not conflict with, all of the policies of the Public Access and Recreation section of the Coastal Land Use Plan.

The proposed Project site is developed with urban uses under existing conditions and does not contain any sensitive biological, marine, or coastal resources. Accordingly, implementation of the proposed Project would not conflict with any of the policies of the Coastal Resources Protection section of the Coastal Land Use Plan.

Based on the foregoing analysis, and assuming approval of the Project's Coastal Land Use Plan Amendment to change the site's existing land use designation, the proposed Project would not conflict with the City of Newport Beach Coastal Land Use policies, and less-than-significant impacts would occur.

Analysis of Consistency with the City of Newport Beach Zoning Code/Municipal Code

Under existing conditions, the southern 0.4 acre (Parcel A) of the proposed Project site is zoned "PI (Private Institutions) Zoning District" while the northern 0.8 acre (Parcel B) is zoned "RM (Multiple Residential) Zoning District." Proposed Zoning Code Amendment No. CA2012-008 seeks to apply the "Planned Community District (PC)" zoning district to the entire 1.2-acre site and establish development standards for heights and setbacks that vary from the height and setback standards of the City's Zoning Code. Assuming approval of the Zoning Code Amendment, Site Development Review No. SR2013-001 would ensure that the project is fully compatible with the site's zoning designations and requirements.

In addition, the proposed Project would be required to comply with a variety of other provisions of the City's Municipal Code, all of which would be enforced either as a condition of Project approval or through future City review of implementing development applications (grading permits, building permits, etc.).

Based on the foregoing analysis, the proposed Project would be consistent with or otherwise would not conflict with all applicable provisions of the City's Zoning Code and Municipal Code.

Analysis of Consistency with the Airport Environs Land Use Plan for the John Wayne Airport

As indicated under the discussion and analysis provided in Section 5.4.8, *Hazards and Hazardous Materials*, the Project site is not located within the Airport Planning Area, the Airport Impact Zones, the AELUP Notification Area for JWA, or the Airport Safety Zones (OCALUC, 2008, Figure I and Appendix D). Additionally, although the Project site is located within the FAR Part 77 *Obstruction Imaginary Surfaces and Notification Area* for the JWA, buildings proposed by the Project are not of a height that would penetrate the imaginary surface, and the Part 77 notification provisions would therefore not apply to the proposed Project. Accordingly, the proposed Project would not conflict with the AELUP for the JWA.



Analysis of Consistency with the Lido Village Design Guidelines

The following elements of the Lido Village Design Guidelines are applicable to the proposed Project. An analysis of the Project's consistency with applicable sections of the Lido Village Design Guidelines is provided below.

Lido Triangle Goals:

Goal: Improvements should be sensitive to the less-intensive existing land uses of worship and residential sites.

Consistency Analysis: The proposed Project would involve the construction of 23 townhomes and other site improvements. The development of 23 townhomes on the site would be fully compatible with the less-intensive existing land uses of worship and residential sites existing within the Lido Triangle.

Goal: Traffic calming devices should be incorporated into Via Lido to promote safe street environments for residents and patrons.

Consistency Analysis: The Project does not involve any improvements within the Via Lido right-of-way, with exception of the construction of the underground sewer connection. As such, the Project would have no impact on existing traffic calming devices along Via Lido, nor would the Project interfere with the installation of any future traffic calming devices along this roadway. Additionally, the Project has been designed to accommodate the potential future pedestrianization of Via Oporto and portions of Via Malaga, although such improvements are not proposed as part of the Project and no plans for such improvements have been approved by the City

Goal: Building massing should be more horizontal in form, reinforcing the pedestrian interface.

Consistency Analysis: Buildings proposed as part of the Project consist of three-story buildings designed in a total of five (5) clusters. Most buildings proposed on-site are designed to be wider than they are tall, with gaps provided between individual building clusters. Roof and building façade elements have been designed with off-setting planes that reduce the building's perceived mass and scale, particularly in comparison to the existing office building located in the northern portion of the site that does not include such elements. The Project also incorporates landscaped open space areas and a water feature, which further serve to promote pedestrian interface with the surrounding area.

Goal: Pursue added joint parking opportunities.

Consistency Analysis: The Project consists of a proposed residential development that does not afford joint parking opportunities. However, the Project has been designed to accommodate all required parking on-site, thereby reducing the need for additional off-site parking agreements within the Lido Triangle area.

Lido Triangle Conditions:

The Lido Village Design Guidelines includes criteria for *Village Edges and Boundaries*. Criteria that are applicable to the proposed Project are provided under the "Lido Triangle



Conditions” subsection. Key improvement points identified for the Lido Triangle include the following:

- Improving the pedestrian experience along Via Lido, Via Oporto, Via Malaga, and 32nd Street.
- Including internal pedestrian connectivity from Via Oporto to the Bay.
- Providing creative node or outdoor living room conditions within the Design Area.
- Addressing service needs within Via Lido Plaza without sacrificing improvement opportunities.

The Project has been designed to meet the requirements specified for the Lido Triangle. As previously depicted on Figure 3-7, the Project incorporates several common open space areas. The corner of Via Lido and Via Malaga would feature a common open space area with low seatwall/planter, accent palm, and water feature with spillway. Other common open space areas (located at the north end of the site along Via Lido and the southwest corner of the site at the corner of Via Malaga and Via Oporto) would be improved with enhanced paving, seating, and landscaping (including accent palms). In front of each townhouse unit (and along the street frontage), a low stone planter wall would be provided. Additionally, each of the proposed dwelling units is designed to face the street frontages. These features would serve to improve the pedestrian experience along Via Lido, Via Oporto, and Via Malaga, particularly in comparison to existing conditions wherein the street frontage with Via Lido and a portion of Via Malaga is dominated by a parking lot and the remainder of the site’s frontage exhibits an overall lack of pedestrian-scale amenities. The provision of the common open space areas at the intersections of Via Lido/Via Malaga and Via Malaga/Via Oporto also would provide for node opportunities to area residents. The Project also has been designed to accommodate internal pedestrian connectivity, which would allow pedestrian access between the on-site buildings and the Bay. The Project site is not located within the Via Lido Plaza.

Additionally, the *Village Edges and Boundaries* section of the Lido Village Design Guidelines identifies the Project site’s frontage with Via Lido, Via Malaga as a “Street Focused Edge,” where “image-defining facades with street orientation,” “strong building/pedestrian interface,” and “unifying theme and character along [the] street segment” are encouraged. In addition, the corners of Via Lido/Via Malaga and Via Malaga/Via Oporto are identified as “Node Opportunities,” which are defined as “formal and informal people places, outdoor living room, plazas, or building relief.” Via Lido also is identified as a “Primary Pedestrian Corridor” where enhanced landscape elements and pedestrian-friendly safety measures are encouraged. Via Malaga and Via Oporto are identified as “Secondary Pedestrian Corridors” where the following elements are encouraged: limited vehicle access; private and public conditions that encourage multi-modal use; and taxi and bus drop zones, charter boat transfers, bicycle racks, etc. Finally, the site’s western frontage along Via Oporto is identified as a “Service Edge” where special screening and limited pedestrian access are encouraged.

The Project has been designed to orient all buildings towards the street frontages, thereby providing for a “Street Focused Edge.” Landscaping and hardscaping amenities would further serve to promote the Project’s frontage as a pedestrian-friendly environment. All buildings also are designed with a consistent theme, which would not conflict with the architectural character of the surrounding neighborhood. The Project’s frontages with Via



Malaga and Via Oporto have been designed to accommodate future additional pedestrian amenities, although such amenities are not proposed as part of the Project and no plans for such improvements have been approved by the City. Current plans for the adjacent commercial center and City Hall site west of Via Oporto renders the site's western frontage as less of a "Service Edge" and more as an area where Street Focused Edges are encouraged by the Lido Village Design Guidelines. As indicated above, the site's western frontage incorporates a number of elements that are focused towards the street.

Based on the foregoing analysis, the proposed Project would be consistent with the *Lido Triangle Conditions* section of the Lido Village Design Guidelines.

Incentive Considerations:

The Lido Village Design Guidelines also incorporates a section on *Incentive Consideration*, which provides for incentives to owners/tenants for physical improvements that provide enhanced amenities (e.g., pedestrian connections, enhanced architectural detail, enhanced landscaping, open space, plazas, and courtyards) and/or incorporate additional elements of public benefit (e.g., view sheds, enhanced coastal access, and enhanced landscaping and paving improvements within the public right-of-way). One of the incentives identified in this section allows for "increases in building height from the base height limit of 26 feet for flat roofs and 31 feet from sloped roofs to the maximum height limit of 35 feet for flat roofs and 40 feet for sloped roofs..."

The Project proposes to allow for an increase in building heights of 35 feet 4 inches and 39 feet for architectural projections, as allowed by the *Incentive Considerations*. In exchange for the relief from the typical height requirements, the Project proposes to improve the visual aesthetic of the site within the Lido Triangle, provide for enhanced opportunities for pedestrian connections, and provide additional amenities such as the open space node features at the intersections of Via Lido/Via Malaga and Via Malaga/Via Oporto. As such, the Project complies with the *Incentive Considerations* section of the Lido Village Design Guidelines.

Accordingly, implementation of the proposed Project would not result conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be less than significant.

c) *Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?*

Finding: No Impact. There are no policies of the Orange County Central and Coastal Orange County NCCP/HCP that are applicable to the proposed Project. Accordingly, no impact would occur.

As indicated under the discussion of Threshold 6 in Section 5.4.4, *Biological Resources*, although the Project site is located within the Orange County Central and Coastal Orange County NCCP/HCP areas, the Project site and surrounding areas are not targeted for conservation (Orange County, 1996, Figure 11). There are no policies of the NCCP/HCP that are applicable to the proposed Project. Accordingly, no impact would occur.

**5.4.10.3 Land Use and Planning: Mitigation Measures**

Implementation of the proposed Project would result in no impacts due to land use and planning considerations; accordingly, mitigation measures are not required.

5.4.11 Mineral Resources

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) <i>Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.4.11.1 Mineral Resources: Environmental Setting

According to the City's General Plan EIR, which uses mapping conducted by the California Geological Survey (CGS) that maps areas known as Mineral Resources Zones (MRZs), the proposed Project site is mapped within MRZ-3, which is defined as "areas containing mineral deposits of undetermined significance" (Newport Beach, 2006b, Figure 4.5-4).

The City's General Plan does not identify the Project site as containing a locally important mineral resource recovery site (Newport Beach, 2006a, Figure LU6). There are no specific mineral resource plans applicable to the proposed Project site, and no other plans that identify any locally important mineral resource recovery sites on the Project site or immediate vicinity.

5.4.11.2 Mineral Resources: Impact Analysis

a) *Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

Finding: No Impact. The proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No impact would occur and mitigation is not required.

The Project site is developed with urban uses. No mines, wells, or other resource extraction activity occurs on the property or is known to have ever occurred on the property. The proposed Project site is identified by the CGS as being located within MRZ-3, which is an area where the significance of mineral deposits have not been determined by the CGS. Accordingly, implementation of the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, and no impact would occur.

b) *Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

Finding: No Impact. The proposed Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan, and no impact would occur.



The proposed Project site is not identified as a locally-important mineral resource recovery site delineated on a local general, specific plan, or other land use plan. Accordingly, no impact would occur.

5.4.11.3 Mitigation Measures

Implementation of the proposed Project would result in no impacts to mineral resources; accordingly, mitigation measures are not required.

5.4.12 Noise

<i>Would the Project result in:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.4.12.1 Noise: Environmental Setting

According to the General Plan Noise Element, land uses abutting Via Lido, including the Project site, are subject to traffic-related noise levels of approximately 60 A-weighted decibels (dBA) CNEL (Newport Beach, 2006a, Figures N1 and N4). Noise at the Project site under existing conditions is limited to operational activities associated with the on-site church, church reading room, and commercial office building. There are no known unusual or loud noises that occur on the property on a regular basis.

Newport Beach Municipal Code Chapter 10.26, Community Noise Control

Newport Beach Municipal Code Chapter 10.26 establishes provisions for the control of noise sources within the City. Section 10.26.025 (Exterior Noise Standards) establishes exterior noise standards and specifies that multiple-family residential land uses should not be exposed to noise levels exceeding 55 A-



weighted decibels (dBA) between 7 a.m. and 10 p.m., and 50 dBA from 10 p.m. to 7 a.m. In areas where the ambient (background) noise levels exceed these thresholds, the ambient standard is considered to be the noise standard pursuant to Section 10.26.025 (Exterior Noise Standards). Section 10.26.025 establishes interior noise standards for residential land uses of 45 dBA for the hours between 7 a.m. and 10 p.m., and 40 dBA between 10 p.m. and 7 a.m.

Section 10.26.035 identifies exemptions to the noise standards outlined in Chapter 10.26 (Community Noise Control), and specifically excludes “noise sources associated with construction, repair, remodeling, demolition or grading of any real property.” Noise standards for such construction activities are instead established by Municipal Code Chapter 10.28 (discussed below).

Newport Beach Municipal Code Chapter 10.26, Loud and Unreasonable Noise

Municipal Code Chapter 10.26 (Community Noise Control) regulates the “...making, allowing, creation, or maintenance of loud and unreasonable, unnecessary, or unusual noises which are prolonged, unusual, annoying, disturbing and/or unreasonable in their time, place and use are a detriment to public health, comfort, convenience, safety, general welfare and the peace and quiet of the City and its inhabitants” (Newport Beach, 2012a, § 10.28.007).

Section 10.28.040 (Construction Activity – Noise Regulations) provides noise regulations for construction activity, and prohibits noise being produced during specific hours of the day and days of the week or year. Specifically, construction activities are limited by Section 10.28.040 to between the hours of 8:00 a.m. and 6:00 p.m. Mondays through Saturdays (except holidays), and prohibits construction activities on Sundays and federal holidays.

Airport Noise

According to the AELUP for the JWA, the proposed Project site is not subject to substantial airport-related noises, as the Project site is located well outside of the identified 60 decibel contour (OCALUC, 2008, Appendix D). There are no other public or private airports within the Project vicinity that have the potential to subject the Project site to substantial noise associated with airport operations.

5.4.12.2 Noise: Impact Analysis

a) *Would the Project result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Finding: Less than Significant Impact. With mandatory adherence to the timing provisions of Municipal Code § 10.28 (Loud and Unreasonable Noise) during construction activities, impacts associated with the exposure of persons to or generation of noise levels in excess of the City’s Municipal Code standards would be less than significant.

Construction Noise

During demolition of the existing buildings on the site and construction of the proposed 23 townhomes and other site improvements, construction equipment would generate substantial amounts of noise. However, construction noise is explicitly exempted from the noise standards specified in Municipal Code Section 10.26 (Community Noise Control), provided such activities adhere to the timing restrictions specified in Section 10.28. Section 10.28 limits construction activities to between the hours of 8:00 a.m. and 6:00 p.m. Mondays through Saturdays (except holidays), and prohibits construction activities on Sundays and federal holidays. The Project would be required to adhere to the timing restrictions established by Section 10.28 of the City’s Municipal Code; as such, Project construction



activities would not result in the exposure of persons to or generation of noise levels in excess of standards established in the City's Municipal Code.

Operational-Related Noise

The Project proposes to develop the site with 23 residential townhomes. Residential land uses are not associated with the generation of substantial stationary noise. Any unusual noise generated by individual residents would be regulated by Section 10.28 (Loud and Unreasonable Noise) of the Municipal Code, and any future residents that violate the provisions of Section 10.28 would be subject to penalties as set forth in the ordinance. Accordingly, under long-term operating conditions, the Project would not result in the generation of substantial amounts of stationary noise that would violate the noise standards established in Municipal Code Section 10.26 (Community Noise Control).

The Project also has the potential to result in noise increases off-site as a result of Project traffic. As discussed in more detail under the analysis of Transportation/Traffic (refer to Section 5.4.16), under existing conditions the commercial office and church uses are estimated to generate approximately 439 average daily vehicle trips (ADT). Under the proposed Project, the total amount of ADT would be reduced to 134 ADT, reflecting a net reduction in 305 ADT. As such, implementation of the proposed Project would result in a reduction in the amount of vehicular-related noise affecting off-site areas, and impacts would be less than significant.

b) *Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Finding: Less-than-Significant Impact. Impacts associated with excessive ground-borne vibration or ground-borne noise levels during Project construction and long-term operation would be less than significant. Mitigation is not required.

The only potential source of ground-borne vibration associated with the Project would occur as a result of construction activities, during which large machinery would be utilized in support of Project grading activities. However, construction activities associated with the proposed Project would not require the use of pile drivers, rock crushers, or blasting, which are the primary sources of vibration-related impacts during construction. As such, groundborne vibration and noise impacts during construction would be less than significant.

Additionally, there are no sources of groundborne vibration or groundborne noise in the Project area, such as railroad lines. Accordingly, future Project residents also would not be subject to excessive groundborne vibration or groundborne noise levels. Based on these facts, impacts associated with excessive ground-borne vibration or ground-borne noise levels would be less than significant.

c) *Would the Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

Finding: Less-than-Significant Impact. The Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. No impact would occur and mitigation is not required.

The Project proposes the construction and operation of 23 townhomes on the 1.2-acre site. As indicated above under the discussion of Threshold a) of this section, residential uses do not generate substantial amounts of ambient noise. Any unusual noise generated by individual residents would be regulated by Section 10.28 (Loud and Unreasonable Noise) of the Municipal Code, and any future



residents that violate the provisions of Section 10.28 would be subject to penalties as set forth in the ordinance. The Project also has the potential to result in noise increases off-site as a result of Project traffic. Additionally, and as discussed in more detail under the analysis of Transportation/Traffic (refer to Section 5.4.16), the Project would generate less traffic than the uses that currently exist on the site, thereby reducing the amount of vehicular-related noise affecting off-site areas. Accordingly, the Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project, and impacts would be less than significant.

d) *Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Finding: Less than Significant Impact. With mandatory adherence to the timing provisions of Municipal Code § 10.28 during construction activities, Project impacts due to a temporary or periodic noise increase would be reduced to below a level of significance.

As indicated above under the discussion of Thresholds a) and b) of this section, demolition of the existing buildings on-site and construction of the proposed Project would involve the use of heavy construction equipment that has the potential to result in a substantial temporary increase in ambient noise levels. However, construction noise is explicitly exempted from the noise standards specified in Municipal Code Section 10.26, provided such activities adhere to the timing restrictions specified in Section 10.28. There are no potential sources of temporary or periodic noise increases associated with long-term operation of the Project, as the Project would involve only the operation of 23 multifamily townhome units, which are not associated with the generation of substantial amounts of temporary or periodic noise increases. Accordingly, impacts would be less than significant.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

Finding: Less-than-Significant Impact. The Project would not expose people residing or working in the Project area to excessive airport-related noise levels. No impact would occur and mitigation is not required.

The only airport in the vicinity of the Project site is John Wayne Airport (JWA). As shown on Figure N4 of the Newport Beach General Plan, and as similarly presented on the Airport Impact Zones exhibit of the AELUP, the Project site is not subject to airport-related noise levels exceeding 60 dBA CNEL (Newport Beach, 2006a, Figure N4; OCALUC, 2008, Appendix D). Accordingly, the Project would not expose people residing or working in the Project area to excessive airport-related noise levels, and impacts would be less than significant.

f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

Finding: No Impact. There would be no impact due to the exposure of people residing or working in the area to excessive noise levels associated with private airstrips. No impact would occur and mitigation is not required.

There are no private airstrips within the vicinity of the proposed Project site. Accordingly, there would be no impact due to the exposure of people residing or working in the area to excessive noise levels associated with private airstrips.



5.4.12.3 Noise: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts to noise; accordingly, mitigation measures are not required.

5.4.13 Population and Housing

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.4.13.1 Population and Housing: Environmental Setting

According to the United States Census Bureau (USCB), the City of Newport Beach was estimated to have a total population of approximately 86,484 persons as of 2011 (USCB, 2013). The City of Newport Beach is estimated to have an average of 2.19 residents per household (Newport Beach, 2006b, p. 4.10-3).

Under existing conditions, the Project site is occupied by commercial office and church land uses. There are no residences on-site under existing conditions. The commercial office building currently has vacancies and, therefore, does not generate its full capacity of employees. Based on estimates provided by SCAG for "low rise office" land uses (SCAG, 2001), the existing commercial office uses would generate approximately 92 employees if all spaces were occupied.

5.4.13.2 Population and Housing: Impact Analysis

a) *Would the Project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Finding: Less-than-Significant Impact. The proposed Project would not directly or indirectly induce substantial population growth in the Project area. Impacts would be less than significant and mitigation is not required.

According to the General Plan EIR, the City of Newport Beach has an average household size of 2.19 persons per household (pph) (Newport Beach, 2006b, p. 4.10-3). The Project proposes to redevelop the site with 23 new multifamily townhomes, which would result in a population increase of approximately 50 persons ($23 \times 2.19 = 50.37$). Although the Project would result in an increase in the City's population by approximately 50 persons, this increase represents only a 0.058% increase over the City's 2011 population ($[50 \div 85,484] \times 100 = 0.058\%$). Additionally, none of the improvements proposed as part of the Project would foster an indirect increase in the City's population. The vicinity of the Project site is a mixed-use area that already includes a variety of land uses, including commercial



office, retail, residential, and institution (church). The proposed Project is compatible with the surrounding land use mix and has little to no potential to induce increased population off-site. Based on this analysis, the proposed Project would not directly or indirectly induce substantial population growth in the Project area, and impacts would be less than significant.

b) *Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

Finding: No Impact. Implementation of the proposed Project would not displace any existing housing, necessitating the construction of replacement housing elsewhere. No impact would occur and mitigation is not required.

There are no residences on-site under existing conditions. Accordingly, implementation of the proposed Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, and no impact would occur.

c) *Would the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

Finding: No Impact. Implementation of the proposed Project would not displace any existing housing, necessitating the construction of replacement housing elsewhere, and no impact would occur.

There are no persons living on-site under existing conditions. Accordingly, implementation of the proposed Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere, and no impact would occur.

5.4.13.3 Population and Housing: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts or no impacts to population and housing; accordingly, mitigation measures are not required.

5.4.14 Public Services

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
<i>a) Fire protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>b) Police protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>c) Schools?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>d) Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5.4.14.1 Public Services: Environmental Setting

Fire Protection

The Newport Beach Fire Department (NBFD) provides fire protection services for the entire City, including the Project site. The NBFD is responsible for reducing loss of life and property from fire,



medical, and environmental emergencies. In addition to fire suppression, the Nbfd also provides fire prevention and hazard reduction services. The Fire Prevention Division works in conjunction with the City's Planning, Public Works, and Building Departments to ensure that all new construction and remodels are built in compliance with local and State building and fire codes, including the provision of adequate emergency access and on-site fire protection measures. The City requires all businesses to be inspected annually for adherence to the fire and life safety codes. Further, the Nbfd provides emergency medical services (EMS) from its three existing fire stations. Private ambulance services are also available within City limits. (Newport Beach, 2006b, pp. 4.11-2 and 4.11-3)

Fire stations are strategically located throughout the City to provide prompt assistance to area residents. Each fire station operates within a specific district that comprises the immediate geographical area around the station. The Project site is served by Fire Station 2, located at 475 32nd Street, directly to the Project site's southwestern corner. (Newport Beach, 2006b, p. 4.11-3) The Nbfd has 140 full-time employees and approximately 200 seasonal employees providing 24-hour protection and response to the City's residents and visitors (Newport Beach, 2013b).

As of 2005, the personnel to population ratio for fire protection services is approximately 0.48 firefighters for each 1,000 residents. However, personnel to population ratios are no longer considered by fire managers to be valid measurements of service. Irrespective of the personnel to population ratio, in the Nbfd's estimation, the Nbfd's staffing level adequately suits the current needs of the City's residential population. The response time to the Project site is very quick given the site's close proximity to Fire Station No. 2. (Newport Beach, 2006b, pp. 4.11-5 and 4.11-6)

Police Protection

The Newport Beach Police Department (NBPD) provides police services to the Project site under existing conditions. Centrally located at 870 Santa Barbara Drive approximately 2.75 miles northeast of the Project site, the NBPD provides services in crime prevention and investigation, community awareness programs, and other services such as traffic control. (Newport Beach, 2006b, p. 4.11-12) The NBPD is currently separated into three divisions (Support Services, Patrol/Traffic, and Detectives), all of which are overseen by the Office of the Chief of Police.

There are no current law enforcement staffing standards available. The NBPD currently has 149 sworn officers and 90 full time non-sworn personnel (Newport Beach, 2013c). According to census data for 2011, the City had approximately 86,484 persons (USCB, 2013). Thus, under existing conditions, the City has a ratio of 1.7 sworn officers per 1,000 residents ($149 \div [86,484 \div 1,000] = 1.7$). The ratio of 1.7 officers per 1,000 residents allows the NBPD to meet the needs of a permanent and transient population that can swell to 200,000 on any given day. The increase in population is due to the influx of beachgoers, daytime employment, and visitors to the City. (Newport Beach, 2006b, p. 4.11-13)

Schools

The Newport-Mesa Unified School District (NMUSD), with a service area of 58.83 square miles, provides educational services to the City of Newport Beach, City of Costa Mesa, and other unincorporated areas of Orange County.

The Project site is located within the service boundaries for the NMUSD's Newport Elementary School (located 0.9 mile southeast of the Project site at 1327 W Balboa Blvd.), Horace Ensign Middle School (located 0.5 mile east of the Project site at 2000 Cliff Drive), and Newport Harbor High School (located 0.9 mile northeast of the Project site at 600 Irvine Avenue). According to the California Department of Education (CDE) website, the 2012-2013 enrollments for these schools are as follows: Newport



Elementary School: 617 students; Horace Ensign Middle School: 1,136 students; and Newport Harbor High School: 2,396 students (CDE, 2013).

According to the General Plan EIR, as of 2006, the NMUSD indicated that the school capacity within the District was adequate and the District projected no need for expansion of existing facilities (Newport Beach, 2006b, pp. 4.11-20 and 4.11-21).

Leroy F. Greene School Facilities Act of 1998 (Public Education Code § 17072.10-18)

The C. Leroy F. Greene School Facilities Act, CA. Education Code § 17070 et seq. establishes the base amount of allowable developer fees that are to be paid for impacts to public school districts. It also restricts local agencies from denying or placing conditions of approval on new developments due to school facilities, except for the imposition of impact fees.

Libraries

The Newport Beach Public Library (NBPL) provides library services and resources to the City of Newport Beach. NBPL consists of a Central Library and three branch library facilities located throughout the City. The Central Library, located at 1000 Avocado Avenue, was recently expanded in April 2013, which added 17,000 s.f. to the existing 54,000 s.f. facility. (Newport Beach, 2013e) The Mariners' Library branch, located at 2005 Dover Drive, opened in 2006 and features 15,305 s.f. of library space. Two smaller branches also serve the City, including the Balboa Branch Library, located at 100 East Balboa Boulevard with 6,000 s.f. of library space, and the Corona Del Mar Branch Library, located at 420 Marigold Avenue with 3,795 s.f. of library space. As of 2006, the system circulated 1,475,025 items annually and over 885,852 people visited the libraries in the NBPL system. (Newport Beach, 2006b, pp. 4.11-26 and 4.11-27)

Typically, libraries assess their needs on a ratio of volumes per measure of population. However, as acknowledged by NBPL, the recent changes in the type of resources used at NBPL facilities (hardcopies vs. electronic documents) have made it increasingly difficult to predict the type and amount of resources required to adequately serve the local population. (Newport Beach, 2006b, p. 4.11-27)

The NBPL has indicated that within the next 20 years, the changing role of libraries in Newport Beach will need to be addressed with remodeling, expansion of existing buildings, and the possible construction of a new library branch. The NBPL anticipates that the Balboa Branch of the library may need to be expanded, remodeled, or rebuilt. (Newport Beach, 2006b, p. 4.11-27)

5.4.14.2 Public Services: Impact Analysis

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?*

Finding: Less-than-Significant Impact. The proposed Project would be adequately served by the City's existing fire protection facilities, and the Project would not result in nor require the expansion or construction of any new fire protection facilities. A less-than-significant impact would occur and mitigation is not required.

Under existing conditions, the Project site's existing commercial office and church land uses generate a demand for fire protection services. Implementation of the proposed Project would not result in an



increase in the site's existing demand for fire protection services. In fact, the demand for fire protection services might decrease under the Project, because less people would use the site (an estimated 50 residents plus visitors under the proposed Project compared to an office building with a capacity for approximately 92 employees and a church building with capacity for up to 560 seats under existing conditions). Additionally, the proposed Project's new townhome structures would be constructed in accordance with modern fire codes, and would replace older buildings that were constructed prior to the enactment of current fire codes and have fewer fire protection features than do modern construction. Moreover, the site is adjacent to Fire Station No. 2 and the Nbfd has determined that the City's existing fire protection facilities are adequate to serve the City's future population (Newport Beach, 2006b, pp. 4.11-5 and 4.11-6). Although the Project would result in the relocation of one fire hydrant, the proposed relocation has been reviewed by the Nbfd which determined that the new location would provide equal levels of fire protection to the site.

Accordingly, implementation of the proposed Project would be adequately served by the City's existing fire protection facilities, and the Project would not result in nor require the expansion or construction of any new fire protection facilities. Therefore, a less-than-significant impact would occur.

b) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?*

Finding: Less-than-Significant Impact. Implementation of the proposed Project would not result in nor require the expansion or construction of any new police protection facilities. Therefore, a less-than-significant impact would occur.

Under existing conditions, the Project site's existing commercial office and church land uses generate a demand for police protection services. Upon implementation of the Project, the commercial office and church land uses would be demolished and replaced with townhomes. The Project proposes to develop the site with 23 new multifamily townhomes, which would result in a population increase of approximately 50 persons ($23 \times 2.19 = 50.37$) (Newport Beach, 2006b, p. 4.10-3).

Implementation of the proposed Project would not result in an increase in the site's existing demand for police protection services. In fact, the demand for police protection services might decrease under the Project, because less people would use the site (an estimated 50 residents plus visitors under the proposed Project compared to an office building with a capacity for approximately 92 employees and a church building with capacity for up to 560 seats under existing conditions). Considering the small increase to the City's resident population, the Project would not measurably alter the City's ratio of officers to residents, which is currently 1.7 sworn officers per 1,000 residents. As noted in the General Plan EIR, the "...existing ratio of 1.7 officers per 1,000 residents allows the NBPD to meet the needs of a permanent and transient population" (Newport Beach, 2006b, p. 4.11-13).

Accordingly, implementation of the proposed Project would not result in nor require the expansion or construction of any new police protection facilities. Therefore, a less-than-significant impact would occur.

c) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which*



could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?

Finding: Less-than-Significant Impact. The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. Therefore, impacts would be less than significant.

Under existing conditions, the Project site is occupied by commercial office and church land uses, which do not generate any demand for school services. The Project would result in the construction of 23 multifamily townhomes on the site, which would generate a demand for school services. Based on the student generation rates assumed in the General Plan EIR, the Project's 23 multifamily townhomes would generate approximately five new elementary school students, three middle school students, and three high school students³ (Newport Beach, 2006b, p. 4.11-23).

Based on information from the City's 2006 General Plan EIR, the NMUSD determined that its existing student capacity is adequate to serve the projected student population, and the District had no plans for expansion of its school facilities to accommodate projected population growth. Additionally, the General Plan EIR notes that policies within the General Plan would assure the provision of appropriate school facilities as necessary to serve the City's growing population. Furthermore, the Project's projected increase to the demand for school services (i.e., five elementary school students, three middle school students, and three high school students) would not generate a demand for the construction or expansion of any school facilities.

The Project applicant would be required to contribute school fees in accordance with Public Education Code § 17072.10-18. The provision of school fees would assist the NMUSD in meeting the Project's incremental demand for school services. Accordingly, and based on the foregoing analysis, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. Therefore, impacts would be less than significant.

d) *Would the project result in substantial adverse physical impacts associated with the provision of any other new or physically altered government facilities, need for any other new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other types of public services?*

Finding: Less-than-Significant Impact. The Project would result in less-than-significant impacts associated with the provision of any other new or physically altered government facilities, need for any other new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to

³ The General Plan EIR assumes that the 14,215 dwelling unit increase associated with the General Plan Update would result in 6,230 new students, consisting of 3,115 elementary school students, 1,557 middle school students, and 1,558 high school students. This represents a ratio of 0.219135 elementary students 0.109532 middle school students, and 0.109603 high school students per household.



maintain acceptable service ratios, response times or other performance objectives for any other types of public services. Mitigation is not required.

Impacts to Public Libraries

Under existing conditions, the Project site’s existing commercial office and church land uses generate very little demand for library facilities. The existing Christian Science Reading Room offers religious materials to church patrons.

Upon implementation of the Project, the commercial office and church land uses would be demolished and replaced with townhomes. The Project proposes to develop the site with 23 new multifamily townhomes, which would result in a population increase of approximately 50 persons (23 x 2.19 = 50.37) (Newport Beach, 2006b, p. 4.10-3). As such, the demand for library services within the City would be incrementally increased as a result of the proposed Project’s resident population increase. The General Plan Arts and Cultural Element does not establish any numeric standard for determining the amount of physical library space needed to serve the City’s population. Additionally, given changes in technology (i.e., the use of electronic media in lieu of hard copy media), the demand for physical library space based on population-based projections is speculative. The Newport Beach Central library underwent a recent expansion to service the City’s population and the addition of 50 persons to the City’s population associated with the proposed Project has no potential to directly or indirectly create the need to construct a new future library or physically expand an existing library facility. Library services receive funding from property tax, a portion of which from the Project’s tax assessment would be dedicated to the City’s Library Fund (Newport Beach, 2012a, § 3.08.020).

Based on the above analysis, the Project would result in less-than-significant impacts associated with the provision of any other new or physically altered government facilities, need for any other new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other types of public services.

Impacts to Recreational Facilities

Impacts to recreational facilities are addressed under Section 5.4.15, *Recreation*, which concludes that the proposed Project would result in a less-than-significant impact to the City’s park facilities.

5.4.14.3 Public Services: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts to public services; accordingly, mitigation measures are not required.

5.4.15 Recreation

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5.4.15.1 Recreation: Environmental Setting

Under existing conditions, the proposed Project site is developed with commercial office and church land uses. These land uses have only a nominal demand for parkland facilities, because most demand is generated by residential land uses.

The City has approximately 286 acres of developed parks and approximately 90 acres of active beach recreation acreage, for a total of 376.8 acres. Newport Beach's parklands range in size from mini-parks such as the Lower Bay Park (0.1 acre) to the 47.6-acre Bonita Canyon Sports Park. School facilities also provide indoor and outdoor recreational opportunities in the City, while greenbelts and open space areas provide passive recreational opportunities or open space relief. Additionally, bikeways, jogging trails, pedestrian trails, recreation trails, and regional equestrian trails are also available in Newport Beach. (Newport Beach, 2006b, pp. 4.12-1 and 4.12-2).

According to Section 19.52.040 (Parkland Standard) of the City's Municipal Code, the City's parkland standard is five acres per 1,000 residents. According to census data for 2011, the City had approximately 86,484 persons (USCB, 2013). As such, under existing conditions, the City has a demand for approximately 432.42 acres parkland to serve the City's existing residents ($[86,484 \text{ persons} \div 1,000] \times 5 \text{ acres} = 432.42 \text{ acres}$). Thus, under existing conditions, the City has a deficit of approximately 56 acres.

The Project site is located within the West Newport portion of the City, also identified as Service Area I for recreational uses. The General Plan EIR noted that there is a combined total of 43.1 acres of combined park and beach acreage within the West Newport Service Area, including 9.1 acres of parks. The General Plan EIR indicates that the West Newport Service Area had a 2006 demand for recreational facilities of 64.7 acres, resulting in a deficit of approximately 21.6 acres. (Newport Beach, 2006b, p. 4.12-3)

The General Plan EIR disclosed that the City had a total population of 83,120 persons in 2005, while in 2011 (the most recent year for which census estimates are available), the City's population was 86,484. This represents a total growth rate of approximately 1.04. Thus, if the demand for parkland facilities within Service Area I was 64.7 acres in 2005, then in 2011 it can conservatively be estimated that the demand for parkland facilities would be approximately 67.3 acres, reflecting a current deficit of approximately 24.2 acres within Service Area I.

The nearest existing park facility to the Project site is Lido Park, located at the corner of Via Lido and Lafayette Avenue (approximately 230 feet southeast of the Project site). This facility comprises a passive recreational facility featuring benches and views of the Newport Bay.

The City of Newport Beach also is currently planning on constructing a new park (Sunset Ridge Park) on a 13.67 acre site located at the northwest corner of the Pacific Coast Highway and Superior Avenue (approximately 0.6 mile northwest of the Project site). An EIR for the construction of this park facility



was certified by the Newport Beach City Council in 2010 (State Clearinghouse No. 2009051036)⁴. The EIR for the Sunset Ridge Park facility is hereby incorporated by reference pursuant to CEQA Guidelines § 15150. This facility, when complete, will include baseball fields, soccer fields, play area, a memorial garden, and other amenities. (Newport Beach, 2013d)

Additionally, an active community park (possibly lighted) is planned in Banning Ranch, regardless of the ultimate development of the Banning Ranch site, to accommodate the service area and Citywide needs for active sports fields (Newport Beach, 2006b, p. 4.12-10). According to the Newport Banning Ranch Master Development Plan, new public park facilities within Banning Ranch would encompass approximately 26.8 acres (Newport Beach, 2011d, p. 3-9). An EIR for the Newport Banning Ranch Master Development Plan was certified by the Newport Beach City Council on July 23, 2012 (State Clearinghouse No. 2009031061), which is hereby incorporated by reference pursuant to CEQA Guidelines § 15150⁵.

Upon completion of the Sunset Ridge Park and the park facilities within the Newport Banning Ranch Master Development Plan, Service Area I would be served with a total of 83.57 acres of parkland, which would exceed the 2006 estimated demand for 64.7 acres of parkland as disclosed by the General Plan EIR, and the 2011 estimated parkland demand of 67.3 acres as presented above.

5.4.15.2 Recreation: Impact Analysis

a) *Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Finding: Less-than-Significant Impact. Adequate parkland facilities would be accommodated within Service Area I to meet the needs of existing and projected residents, including residents generated by the Project. Accordingly, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Impacts would be less than significant and mitigation is not required.

Under existing conditions, the commercial office and church land uses at the site create only a nominal demand for recreational facilities. With implementation of the proposed Project, these existing uses would be demolished and replaced with 23 townhomes. Using the General Plan EIR's person per household rate of 2.19 persons per household (pph) the Project would result in an increase to the City's population of approximately 50 persons ($23 \times 2.19 = 50.37$ persons).

Future residents of the proposed Project site are likely to utilize Lido Park, located southeast of the Project site. However, Lido Park is a passive facility. The use of Lido Park by the Project's estimated 50 residents would not result in substantial deterioration to this existing facility. In addition, as part of the Project, 2,483 s.f. of common open space would be provided on-site, which would further help to meet the leisure recreational needs of future Project residents.

Additionally, based on the City's Parkland Standard of five acres of parkland per 1,000 residents, the Project's estimated population increase of 50 persons would result in a demand for approximately 0.25 acre of parkland. Thus, with implementation of the proposed Project, the total demand for recreational facilities within Service Area I would increase from approximately 67.3 acres to 67.55 acres (based on the estimated demand using 2011 census information). This demand would be more than

⁴ Available for review at: <http://www.newportbeachca.gov/index.aspx?page=1347>.

⁵ Available for review at: <http://www.newportbeachca.gov/index.aspx?page=2096>.



accommodated by the 83.57 acres of parkland provided by existing facilities, the proposed Sunset Ridge Park, and facilities planned as part of the Newport Banning Ranch Master Plan. Environmental impacts associated with the construction of the Sunset Ridge Park and Newport Banning Ranch Master Plan facilities were previously evaluated as part of EIRs that were certified by the Newport Beach City Council. Although it is possible that the Project may be occupied prior to completion of facilities within the Newport Banning Ranch Master Plan, the Project's incremental demand for parkland facilities (i.e., 50 new residents) would not result in a substantial increase in the use of existing facilities such that physical deterioration of those facilities would occur. In fact, the existing recreational resources that would serve future Project residents primarily comprise passive parks and beaches, which are unlikely to suffer physical deterioration as a result of the Project's planned population increase.

Residential development would be required to pay the requisite Quimby Act fees, which would be used by the City to provide new parks and/or recreation facilities. Specifically, the Project would be required to contribute \$26,125 per unit to the City's park funds, as required by City Council Resolution No. 2007-30, which would enable the City to provide for new or improved park facilities within the City to serve City residents and future residents of the Project.

Accordingly, with completion of the planned facilities Service Area I would be served by sufficient park facilities to meet the City's Parkland Standard of five acres per 1,000 residents, including the addition of new residents generated by the Project. Additionally, there are adequate existing facilities within the City to serve future residents of the proposed Project, including, but not limited to, 38th Street Park, Channel Place Park, Sunset Ridge Park, Marina Park, Crystal Cove State Park, and the various beaches available along the City's coastline. The addition of 50 new residents, payment of park fees by the Project applicant, and buildout of planned recreational amenities within Service Area I would ensure that future Project residents do not result in the deterioration of existing facilities. Therefore, potential impacts to park and recreational facilities will be less than significant.

b) *Does the Project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Finding: Less-than-Significant Impact. The Project does not propose to construct any recreational facilities on-site, nor would the Project indirectly result in the need for new or expanded recreational facilities that could have an adverse physical effect on the environment. Accordingly, impacts would be less than significant and mitigation is not required.

As indicated under the discussion and analysis of Threshold a) of this section, Service Area I would be served by sufficient park facilities when future facilities are included to meet the City's Parkland Standard of five acres per 1,000 residents, including the addition of new residents generated by the Project. Although new parkland facilities would be needed to meet the projected demand within Service Area I, the planned facilities were previously subjected to CEQA analysis as part of the EIRs prepared for the Sunset Ridge Park and Newport Banning Ranch Master Plan. The Project does not propose to construct any recreational facilities on-site, nor would the Project indirectly result in the need for new or expanded recreational facilities that could have an adverse physical effect on the environment. Accordingly, impacts would be less than significant.

5.4.15.3 Recreation: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts to recreation; accordingly, mitigation measures are not required.

**5.4.16 Transportation/Traffic**

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Result in inadequate emergency access.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.4.16.1 Transportation/Traffic: Environmental SettingSite Access

Primary roadway access to the Project site is provided by Via Lido, located along the eastern Project boundary, and 32nd Street, located approximately 0.02 mile south of the Project site. Local access also is provided by Via Oporto, located along the western Project boundary, and Via Malaga, located along the southern Project boundary. These local streets provide access to Newport Boulevard, which provides access to State Highway 1, located approximately 0.25 mile north of the Project site, and State Route 55 (SR-55), located approximately 2.0 miles north of the Project site.

Level of Service (LOS) Standards

The City of Newport Beach General Plan establishes level of service (LOS) “D” as the standard for most intersections. LOS “E” is the established standard for a limited number of intersections (Newport Beach, 2006a, p. 7-6).



Existing Traffic Conditions

According to General Plan EIR Figure 4.13-3, as of 2006 Via Lido experienced approximately 11,000 average daily trips (ADT), with a volume-to-capacity (v/c) ratio of 0.25, while Newport Road experienced approximately 53,000 ADT north of Via Lido and 36,000 ADT south of Via Lido, reflecting a v/c ratio of 0.94 and 0.71, respectively. The intersection of Via Lido at Newport Road was identified as having a level of service (LOS) of A and the intersection of Newport Boulevard and 32nd Street was identified as having a LOS of C during both the morning and evening peak hours, which is well above the General Plan's standard of LOS D or better. (Newport Beach, 2006b, pp. 4.13-6 through 4.13-11)

Public Transit

Under existing conditions, the nearest transit service to the Project site is available along Newport Boulevard. Transit service is not provided along the roadways that directly about the Project site (Newport Beach, 2006b, Figure 4.13-6).

Bicycle Facilities

According to General Plan EIR Figure 4.13-7, designated bicycle facilities within the Project area include sidewalk bikeways along the Lido Bridge and along Newport Boulevard and West Coast Highway (Newport Beach, 2006b, Figure 4.13-7).

Orange County Congestion Management Program

The Orange County Transit Authority's (OCTA) 2011 Congestion Management Program (CMP) is intended to support regional mobility and air quality objectives by reducing traffic congestion. The CMP also provides a mechanism for coordinating land use and development decisions that support the regional economy, and is used to determine gas tax eligibility. The CMP establishes LOS E or better as the standard for evaluating impacts at CMP Highway System intersections. (OCTA, 2011, pp. 1 and 5)

Existing Airport Facilities

The nearest aviation facility to the proposed Project site is the John Wayne International Airport (JWA), located approximately 4.4 miles northeast of the proposed Project site. According to the Airport Environs Land Use Plan (AELUP) for the JWA, the Project site is not located within the Airport Planning Area, the Airport Impact Zones, the AELUP Notification Area for JWA, or the Airport Safety Zones (OCALUC, 2008, Figure I and Appendix D).

The Project site is, however, located within the FAR Part 77 *Obstruction Imaginary Surfaces and Notification Area* for the JWA. The "notification surface" is defined by the AELUP by extending a slope at a gradient of 100:1 (horizontal to vertical) from the airport facility. If a development application would protrude into the notification surface, then notification to the Federal Aviation Administration (FAA) would be required. (OCALUC, 2008, Page 13 and Appendix D)

City of Newport Beach Municipal Code

Guidelines and provisions related to transportation are addressed in the following sections of the Municipal Code: Title 12 (Vehicles and Traffic); Chapter 15.38 (Fair Share Traffic Contribution Ordinance); Chapter 15.40 (Traffic Phasing Ordinance); and Chapter 20.64 (Transportation Demand Management Ordinance). Each of these sections of the Municipal Code is briefly discussed below.



◆ *Title 12, Vehicles and Traffic*

Title 12 addresses traffic and parking enforcement, as well as safety programs, trails programs, bicycle use, skateboarding use, and other temporary traffic and parking protocols.

◆ *Chapter 15.38, Fair Share Traffic Contribution Ordinance*

Chapter 15.38 was established by the City Council to establish a fee, based upon the unfunded cost to implement the Master Plan of Streets and Highways, to be paid in conjunction with the issuance of a building permit. The ordinance sets forth procedures for calculating the fair-share amounts for residential projects, hotel/motels, and office/retail/commercial uses, which are adopted by City Council resolution.

◆ *Chapter 15.40, Traffic Phasing Ordinance*

Section 15.40 was established by the City Council to ensure that the effects of new development projects are mitigated by developers as they occur. Specifically, the ordinance was established to provide a uniform method of analyzing and evaluating the traffic impacts of projects that generate a substantial number of average daily trips and/or trips during the morning or evening peak hour period; to identify the specific and near-term impacts of project traffic as well as circulation system improvements that will accommodate project traffic and ensure that development is phased with identified circulation system improvements; to ensure that project proponents, as conditions of approval, make or fund circulation system improvements that mitigate the specific impacts of project traffic on primary intersections at or near the time the project is ready for occupancy; and to provide a mechanism for ensuring that a project proponent's cost of complying with traffic related conditions of project approval is roughly proportional to project impacts. Section 15.40.030 (Standards for Approval – Findings – Exemptions) specifically exempts the following project types from compliance with the Traffic Phasing Ordinance: a) projects that generate three hundred (300) or fewer average daily trips; b) projects that do not increase trips by one percent or more on any leg of any primary intersection during any evening or morning peak hour; and c) any project that meets certain other criteria as specified in the Ordinance.

◆ *Chapter 20.64, Transportation Demand Management Requirements*

The Transportation Demand Management requirements apply to all new, nonresidential development projects that are estimated to employ a total of one hundred (100) or more persons, or the current limit set forth by the South Coast Air Quality Management District (SCAQMD) in Rule 2202, whichever is lower at the time of project submittal. As such, Chapter 20.64 is not applicable to the proposed Project.

Existing Project Site Traffic

According to information provided by the City of Newport Beach Transportation and Development Services Division (TDSD), under existing conditions the Project site generates approximately 439 ADT, as shown in Table 5-9, *Existing Site Daily Traffic*.



Table 5-9 Existing Site Daily Traffic

Land Use	Size	Unit ¹	AM Peak Hour			PM Peak Hour			Daily Total
			In	Out	Total	In	Out	Total	
Church	8.961	TSF	3	2	5	2	3	5	82
Office	32.469	TSF	44	6	50	8	40	48	357
Total:			47	8	55	11	43	53	439

1. TSF = Thousand Square Feet.

Note: AM Peak Hour, PM Peak Hour, and Daily Total reflect the number of trips.

Source: Newport Beach TDSD (refer to Appendix F).

5.4.16.2 Transportation/Traffic: Impact Analysis

- a) *Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

Finding: No Impact. The proposed Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. No impact would occur and mitigation is not required.

Table 5-10, *Comparison of Existing versus Proposed Daily Traffic*, provides a comparison of the Project site’s existing daily and peak hour traffic volumes with those that are projected to occur under the proposed Project. As shown, implementation of the proposed Project would result in a net reduction of 46 morning peak hour trips, 41 evening peak hour trips, and 305 total daily trips. Accordingly, Project implementation would result in a net decrease in the amount of traffic the Project site contributes to area intersections and roadway segments, indicating that the Project would result in a slight improvement to the performance of area intersections and roadway segments as compared to existing conditions.

Table 5-10 Comparison of Existing versus Proposed Daily Traffic

Land Use	Size	Unit ¹	AM Peak Hour			PM Peak Hour			Daily Total
			In	Out	Total	In	Out	Total	
Existing Land Uses									
Church	8.961	TSF	3	2	5	2	3	5	82
Office	32.469	TSF	44	6	50	8	40	48	357
Sub-Total (Existing):			47	8	55	11	43	53	439
Proposed Land Uses									
Residential Condo	23	DU	1	8	9	8	4	12	134
Net Change (Proposed – Existing):			-46	0	-46	-3	-39	-41	-305

1. TSF = Thousand Square Feet; DU = Dwelling Units

Note: AM Peak Hour, PM Peak Hour, and Daily Total reflect the number of trips.

Source: Newport Beach TDSD (refer to Appendix F).

The City of Newport Beach General Plan establishes LOS “D” as the standard for most intersections, and allows LOS “E” at a limited number of intersections. However, because the Project would generate less traffic under proposed conditions than existing conditions, it has no potential to degrade the



existing LOS at any area intersection or road segment, and would therefore not result in a conflict with the General Plan's LOS standard.

In addition, the City's Traffic Phasing Ordinance (Municipal Code Chapter 15.40) requires mitigation for any traffic effects caused by new development. However, the proposed Project results in a net reduction in vehicular trips from the site (as shown in Table 5-10). Traffic Phasing Ordinance § 15.40.030.C (Exemptions) specifically exempts projects that generate no more than 300 ADT. Accordingly, the proposed Project is exempt from the provisions of the Traffic Phasing Ordinance, and no conflict would occur.

Therefore, the proposed Project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, and no impact would occur.

b) *Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

Finding: No Impact. The Project would not conflict with the OCTA CMP's level of service standards or travel demand measures, and no impact would occur.

The OCTA CMP is the applicable congestion management program for the City of Newport Beach. Pursuant to the CMP, an individual project would result in significant impacts to traffic if it causes the LOS of any CMP Highway System intersections to degrade to below a LOS E, or if it generates sufficient traffic that contributes to a facility already operating below the threshold. As indicated in Table 5-10, implementation of the proposed Project would result in a net reduction in morning and evening peak hour trips, and also would result in a net reduction in the total daily traffic generated by the site. As such, the Project has no potential to cause any CMP Highway System intersection to degrade below LOS E, nor would the Project contribute a substantial amount of traffic to any CMP Highway System intersection that already operates below LOS E under existing conditions. Additionally, although the CMP sets forth travel demand measures that promote the use of alternative modes of transportation, none of the travel demand measures specified in the CMP are directly applicable to the proposed Project. Accordingly, the Project would not conflict with the OCTA CMP's level of service standards or travel demand measures, and no impact would occur.

c) *Would the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

Finding: No Impact. There are no components of the proposed Project that would result in an increase in traffic levels or result in substantial safety risks. No impact would occur and mitigation is not required.

The only airport within the Project vicinity is the JWA, which is located approximately 4.4 miles northeast of the Project site. According to the AELUP for the JWA, the Project site is not located within the Airport Planning Area, the Airport Impact Zones, the AELUP Notification Area for JWA, or the Airport Safety Zones (OCALUC, 2008, Figure I and Appendix D). Accordingly, and based on the AELUP, the Project would not occur in a location that results in a substantial safety risk for future Project residents.



The Project site is located within the FAR Part 77 *Obstruction Imaginary Surfaces and Notification Area* for the JWA, which is defined by extending a slope at a gradient of 100:1 (horizontal to vertical) from the JWA. The nearest portion of the JWA to the Project site is located at a grade elevation of approximately 53 feet above mean sea level (amsl) (Google Earth, 2011). Since the Project site is located approximately 23,050 feet from the JWA, the notification surface above the Project site is approximately 283.5 feet amsl ($[23,050 \text{ feet} \div 100] + 53 \text{ feet amsl} = 283.5 \text{ feet amsl}$). The highest grade elevation of the Project site is approximately 11.0 feet, and the maximum elevation of architectural projections for the proposed buildings would be 39 feet; thus, proposed buildings on-site would extend to a maximum height of 50 feet amsl, which is well below the FAR Part 77 notification surface. Accordingly, buildings proposed by the Project have no potential to disrupt air traffic patterns.

d) *Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Finding: No Impact. The Project would not substantially increase hazards due to a design feature or incompatible uses. No impact would occur and mitigation is not required.

The proposed Project does not involve any improvements to off-site roadways or intersections, with exception of the construction of the Project's sewer connection within Via Lido and improvements associated with Project driveways. Construction of the sewer connection would be below the street surface, and would have no effect on safety for motorists traveling along Via Lido. Similarly, the relocation of driveway access points on-site would not increase design hazards, and the proposed driveways would provide for adequate site distance. All improvements on-site would consist of private driveways and drive aisles that similarly would have no impact on abutting roadways. Accordingly, the Project would not increase hazards due to a design feature.

The Project consists of the development of 23 multifamily townhomes within a portion of the City of Newport Beach that includes residential, commercial, private institutions, and public facility land uses. There are no components of the Project that would increase hazards to the public due to incompatible use, as the residential uses proposed by the Project would be fully compatible with surrounding land uses.

e) *Would the Project result in inadequate emergency access?*

Finding: No Impact. The Project would result in adequate emergency access. No impact would occur and mitigation is not required.

As indicated in Section 3.0, the Project proposes an on-site drive aisle that accommodates a 20-foot emergency access route to facilitate emergency access to the site. Additionally, the Project would not require the complete closure of any public or private streets or roadways during construction, although the western half of Via Lido would be temporarily closed northerly of Via Malaga for two weeks during the construction of the Project's sewer connection. During the construction within Via Lido, traffic control measures would be required pursuant to Chapter 12.62 (Temporary Street Closure) of the City's Municipal Code. Accordingly, temporary construction activities would not impede use of the road for emergencies or access for emergency response vehicles. Therefore, the Project would not result in inadequate emergency access, and no impact would occur.



f) *Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?*

Finding: No Impact. The proposed project would not conflict with adopted policies, plans, or programs regarding transit, bicycle, or pedestrian facilities. No impact would occur and mitigation is not required.

The General Plan Circulation Element includes a number of goals and policies related to public transit, bicycle, and pedestrian facilities. These include the policies identified under General Plan Circulation Element Goal CE 4.1 (Public Transportation) and CE 5.1 (Alternative Transportation Modes). A brief discussion of Circulation Element Policies that are applicable to the proposed Project is provided below.

Policy CE 4.1.4: *Land Use Densities Supporting Public Transit. Accommodate residential densities sufficient to support transit patronage, especially in mixed use areas such as the Airport Area.*

Project Consistency: The Project proposes to develop the site with 23 multifamily townhomes on the 1.2-acre site, resulting in a density of approximately 19.2 dwelling units per acre. This level of density would support transit patronage within the Project area, which is characterized as a mixed-use neighborhood. Accordingly, the Project would be consistent with Circulation Element Policy CE 4.1.4.

Policy CE 5.1.1: *Trail System. Promote construction of a comprehensive trail system as shown on Figure CE4.*

Project Consistency: According to Figure CE4 of the Circulation Element, the Project site and abutting streets are not identified as part of the City's Bikeways Master Plan. The Lido Island Bridge is the nearest road segment identified by Figure CE4 as part of the Bikeways Master Plan, which calls for a "Class I Off-road Paved" bike trail. This facility already is accommodated across the bridge under existing conditions, and the Project would not impact the existing bike trail (Google Earth, 2011). Accordingly, the Project would not conflict with Policy CE 5.1.1.

Policy CE 5.1.2: *Pedestrian Connectivity. Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.*

Project Consistency: As occurs under existing conditions, the Project is served by existing sidewalks along Via Lido, Via Oporto, and Via Malaga, which provides connections to sidewalks and trail facilities located off-site. Although the Project would relocate all of the existing driveway locations, such improvements would have no impact on the availability of these sidewalks upon the completion of Project construction. Additionally, the Project has been designed to accommodate the potential future pedestrianization of Via Oporto and portions of Via Malaga, although such improvements are not proposed as part of the Project and no plans for such improvements have been approved by the City. Accordingly, the Project would be consistent with Circulation Element Policy CE 5.1.2.



Policy CE 5.1.3: *Pedestrian Improvements in New Development Projects. Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.*

Project Consistency: The Project site is only 1.2 acres in size, which limits the ability of the proposed development to provide for substantial pedestrian amenities (trails, etc.). Nonetheless, the Project has been designed such that all dwelling units feature porches along abutting streets, with enhanced paving provided along walkways leading to the existing sidewalks along Via Lido, Via Malaga, and Via Oporto. Additionally, as indicated under the analysis of Project consistency with Circulation Element Policy CE 4.1.4, the Project site is not identified by the Bikeways Master Plan for any facilities or improvements, although sidewalks are provided along the Project's frontage. The Project would not remove the existing sidewalks, although the driveway access points would be relocated as part of the Project. Bicycles will continue to have access along abutting roadways. Accordingly, the Project would be consistent with Circulation Element Policy 5.1.3.

Policy CE 5.1.4: *Linkages to Citywide Trail Systems and Neighborhoods. Require developers to construct links to the planned trail system, adjacent areas, and communities where appropriate.*

Project Consistency: As indicated under the analysis of Project consistency with Circulation Element Policy CE 4.1.4, the Project site is not identified by the Bikeways Master Plan for any facilities or improvements, although sidewalks are provided along the Project's frontage (and would be maintained as part of the proposed development), and bicycles will continue to have access along abutting roadways. Sidewalk and bicycle access would facilitate access to the City's planned trail system, adjacent areas, and surrounding communities. Accordingly, the Project would be consistent with Circulation Element Policy 5.1.4.

The remaining Circulation Element policies related to public transit, bicycle, and pedestrian facilities provide general direction to City staff and/or decision-makers, or are otherwise not applicable to the proposed Project. There are no other adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Accordingly, the proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, and no impact would occur.

1.4.1.1 Transportation/Traffic: Mitigation Measures

Implementation of the proposed Project would result in no impacts to transportation/traffic; accordingly, mitigation measures are not required.



5.4.17 Utilities and Service Systems

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Comply with federal, state, and local statutes and regulation related to solid waste?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5.4.17.1 Utilities and Service Systems: Environmental Setting

Domestic Water Supply

A large majority of the City of Newport Beach, including 35.77 square miles and the proposed Project site, receives domestic water service from the City of Newport Beach. The City receives its water from two main sources: 1) local groundwater from the Lower Santa Ana River Groundwater basin, which is managed by the Orange County Water District (OCWD) and pumped from four active wells owned and operated by the City of Newport Beach (60%), and 2) imported water from the Metropolitan Water District of Southern California (MWD) as wholesaled to the City by the Metropolitan Water District of Orange County (MWD OC) (37%). In addition to these two main supply sources, the City also uses a small amount of recycled water for irrigation purposes (3%). Detailed information about these water supply sources are contained in the City of Newport Beach 2010 Urban Water Management Plan (UWMP), which is herein incorporated by reference and available for public review at the City of Newport Beach Public Works Department, 100 Civic Center Drive, Newport Beach, California 92660. The City's UWMP calculates that water demand in the City will increase by 11% over the 25 period of 2010 – 2035, to 18,474 acre-feet of water demand City-wide by 2035. The UWMP also documents that the City has entitlements to sufficient water supplies to serve its existing and projected demand. (Newport Beach, 2011a)



Applicable Water Conservation Programs

A Water Conservation Ordinance was adopted by the Newport Beach City Council in 2009 and is included in the City's Municipal Code as Chapter 14.16, "Water Conservation and Supply Level Regulations." The Ordinance creates a Water Conservation and Supply Shortage Program that establishes four levels of water supply shortage response actions to be implemented during times of declared water shortage.

Additionally, Chapter 14.17 (Water-Efficient Landscaping) of the City's Municipal Code requires the use of water efficient landscaping as part of new or rehabilitated projects. To verify compliance with the provisions of Chapter 14.17, landscape documentation packages must be submitted to the City for review and approval. The City reviews the landscape documentation packages for compliance with the provisions of the design standards set forth in Section 14.17.030 (Landscape Water Use Standards).

The City of Newport Beach is a signatory to the California Urban Water Conservation Council's (CUWCC) Best Management Practices (BMPs) Memorandum of Understanding (MOU) and implements Demand Management Measures (DMMs) to satisfy the requirements of MOU Section 10631 (f) & (j). Many DMMs also are administered by the MWDOC on behalf of its member agencies, including the City of Newport Beach.

SBx7-7 (Senate Bill 7 as part of the Seventh Extraordinary Session), "The Water Conservation Bill of 2009", was signed into law on February 3, 2010, as part of a comprehensive statewide water legislation package. MWDOC and 26 of its member agencies, including the City of Newport Beach, as well as the cities of Anaheim, Fullerton, and Santa Ana have created the Orange County 20x2020 Regional Alliance in an effort to help meet the water use reduction targets required by SBx7-7. With MWDOC's assistance, the City of Newport Beach selected to comply with Option 1 of the SBx7-7 compliance options, which requires a 20% reduction from baseline water usage by 2020 and 10% by 2015. The City's baseline, calculated from the ten year period July 1, 1995 to June 30, 2005, is 253 gallons per capita per day (GPCD). Thus, the City's 2015 interim water use target is 228.1 GPCD and the 2020 final water use target is 202.8 GPCD (Newport Beach, 2011a, pp. 2-6 through 2-8).

Wastewater System

A majority of the City of Newport Beach, including 13.5 square miles and the proposed Project site, receives wastewater service from the City of Newport Beach. The City of Newport Beach has a Sewer System Management Plan and Sewer Master Plan that project future wastewater demands, plan for physical improvements to the wastewater collection system, and detail how wastewater is planned to be collected and treated. Wastewater from the City of Newport Beach's sewer system is treated by the Orange County Sanitation District (OCSD). A majority of the City's sewage flow, including flows from the Project site, is conveyed to OCSD Treatment Plant No. 2, which has a design capacity of 276 million gallons per day (mgd) and operates under capacity. Wastewater treated by the OCSD at Plant No. 2 is required to be treated in accordance with federal, state, and regional requirements for water quality prior to being discharged into the Pacific Ocean.

Water and Wastewater Infrastructure

Under existing conditions, the existing church, church reading room, and commercial office building on the Project site are provided domestic water and sewer services by the City of Newport Beach. Subsurface sewer lines, domestic water lines, water meters, and fire hydrants are located on the property. On-site infrastructure connects to an existing 15-inch sewer main beneath the Via Lido right-of-way and a 6-inch domestic water line beneath the Via Opporto right-of-way.



Drainage Infrastructure

Under existing conditions, surface storm water runoff flows from the southwestern corner of the Project site generally traverses across site in a southeasterly direction, and is discharged off-site into surface gutters along Via Malaga. Surface stormwater flows from all other portions of the site generally traverse the across site in a northwesterly direction and are discharged off-site into surface gutters along Via Lido and Via Oporto, which empty into an off-site catch basin before discharging into Newport Bay (C&V Consulting, 2013a, Section III). For more information, refer to Section 5.4.9, *Hydrology and Water Quality*.

Solid Waste Collection and Disposal

Pursuant to Newport Beach Municipal Code § 12.63.030, solid waste is collected in the City by franchise waste haulers that have formal agreements with the City to collect its solid waste. The Frank R. Bowerman Sanitary Landfill, located at 11002 Bee Canyon Access Road in the City of Irvine, serves the City of Newport Beach. This landfill is 725 acres in size with 534 acres permitted for refuse disposal. It is permitted to receive a daily maximum of 11,500 tons per day and has enough capacity to remain in operation until at least 2053.

Public Resources Code § 40000 et seq. requires that local jurisdictions divert at least 50 percent of all solid waste generated. The City of Newport Beach consistently meets the objective of Public Resources Code §40000 et seq. Commercial waste haulers within the City are subject to Municipal Code Section 12.63.120 (Recycling Requirement), which states, “No person providing commercial solid waste handling services or conducting a solid waste enterprise shall deposit fifty (50) percent or more of the solid waste collected by the person in the City at any landfill.” All solid waste generated by the Project would be collected by City services in compliance with Municipal Code Section 12.63.120 to ensure that a minimum of fifty percent of the solid waste collected is diverted from landfills, either through source separation by City residents or through separation of recyclable materials following collection. Residents will be provided with recycling containers. Furthermore, Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage), mandates that all multi-unit projects with five or more dwelling units “...provide enclosed refuse and recyclable material storage areas with solid roofs.”

5.4.17.2 Utilities and Service Systems: Project Impacts

a) *Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

Finding: Less-than-Significant Impact. The proposed Project would demand less wastewater treatment capacity than is demanded by the site under existing conditions. Impacts would be less than significant and mitigation is not required.

The Project’s proposed PC includes a preliminary utility plan that depicts the location of existing off-site and proposed on-site sewer lines that would service the Project. Sewer lines installed on the site would connect to an existing 15-inch sewer main beneath the Via Lido right-of-way. The composition of wastewater generated by the Project is assumed to be typical of other residential uses in the City, consisting of domestically generated wastewater with little to no hazardous materials or components present. As occurs under existing conditions, wastewater would be collected by the City of Newport Beach sewer system and conveyed to OCSD Treatment Plant No. 2, which has a design capacity of 276 million gallons per day (mgd) and operates under capacity. Wastewater treatment demand generated by the proposed Project generally would be less than is demanded by the site under existing conditions. As



shown on Table 5-11, *Existing and Proposed Wastewater Treatment Demand*, the Project would generate approximately 172,800 gpd, while the site's existing land uses are estimated to generate between 150,000 to 600,000 gpd (C&V Consulting, 2013c). As such, the Project likely would reduce demand on OCSD Treatment Plant No. 2 and would not directly or indirectly cause OCSD to exceed wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board.

Table 5-11 Existing and Proposed Wastewater Treatment Demand

Land Use	Intensity	Total Wastewater¹
Existing Land Uses		
Commercial Office	32,469 s.f.	150,000 to 600,000 gpd
Church	8,961 s.f.	
Total Wastewater (Existing Land Uses):		150,000 to 600,000 gpd
Proposed Land Uses		
Multifamily Residential	23 du	172,800 gpd
Net Change in Sewer Generation with Project Implementation:		+22,800 to -427,200 gpd

1. Refer to the Preliminary Sewer Analysis contained within Appendix G for sewer generation estimates.

b) *Would the Project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Finding: No Impact. The proposed Project would not result in the construction or expansion of new water or wastewater treatment facilities. No impact would occur and mitigation is not required.

As discussed above under Threshold I, the proposed Project would demand less wastewater treatment capacity than is demanded by the site under existing conditions. Thus, the Project has no potential to require or result in the construction or expansion of wastewater treatment facilities. Similarly, as shown previously in Table 5-8, the Project would demand less domestic water than demanded by the site under existing conditions. With exception of a single fire hydrant along Via Malaga that would be relocated as part of the Project to accommodate the Project's driveway access, all other existing fire hydrants would remain on the property and would not be relocated or demand any more water than demanded under existing conditions. The relocated fire hydrant also would not result in a net increase in demand for water. The existing fire hydrants are estimated to have a calculated flow of 3,575 gallons per minute (gpm) at 20 pounds per square inch (psi). As such, the Project has no potential to require or result in the construction or expansion of water treatment facilities. No impact would occur.

c) *Would the Project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Finding: Less-than-Significant Impact. The proposed Project would install new storm water drainage infrastructure on the site, the impacts of which are addressed throughout this document and would be less than significant. No off-site facilities or expansion of existing off-site facilities would occur. Mitigation is not required.

As part of the proposed Project, storm water infrastructure would be constructed on-site, the installation of which is inherent in the Project's construction process which is analyzed throughout this document. As discussed previously in Section 5.4.9, Hydrology and Water Quality, the Project's storm water would be collected by gutters within existing streets (Via Lido, Via Oporto, and Via Malaga), as occurs under existing conditions. The gutters in these streets would convey the water to an existing



off-site catch basin as occurs under existing conditions. As detailed in a Project-specific Hydrology Report included in Technical Appendix C, the Project would not increase the volume or velocity of water discharged from the site. As such, the Project would not require or result in the construction or expansion of any off-site storm water drainage infrastructure.

d) *Would the Project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

Finding: Less-than-Significant Impact. The proposed Project would demand less water than is demanded by the site under existing conditions and sufficient water supplies would be available from existing entitlements and resources. Impacts would be less than significant and mitigation is not required.

As discussed above under Threshold b) of this section and as shown in Table 5-8, the Project would demand less water than demanded by the site under existing conditions. Additionally, the existing number of hydrants would remain on the property and one fire hydrant would be relocated, which would not result in a demand for any more water than occurs under existing conditions. The site's existing uses are considered in the City's Urban Water Management Plan, which concludes that the City has entitlements to sufficient water supplies to serve its existing and projected demand. Because less water would be demanded by the site upon Project implementation, there is no potential that the Project could have a significant adverse impact on water supply sufficiency.

e) *Would the Project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Finding: Less-than-Significant Impact. The proposed Project would demand less wastewater treatment capacity than is demanded by the site under existing conditions. Impacts would be less than significant and mitigation is not required.

As discussed above under Thresholds a) and b) of this section, the proposed Project would demand less wastewater treatment capacity than is demanded by the site under existing conditions. Thus, the Project has no potential to adversely affect the physical capacity of the existing wastewater infrastructure system that services the site. City of Newport Beach sewer collection system and the OCS Treatment Plant No. 2 have adequate capacity considering existing and projected commitments and the Project's reduction in wastewater volume that would be generated from the site.

f) *Would the Project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

Finding: Less-than-Significant Impact. The Project would be served by the Frank R. Bowerman Landfill, which has sufficient permitted capacity to accommodate the Project's solid waste disposal needs. Impacts would be less than significant and mitigation is not required.

In order to construct the proposed Project, existing buildings and associated site improvements located on the property would be demolished and cleared from the site. In total, 41,430 gross s.f. of building area and an existing 54-space off-street parking lot and landscape and hardscape areas would be removed to prepare the site for redevelopment. Demolition debris generated as part of the Project are estimated to be 1,905.78 tons, which would be disposed of over the course of approximately two



months at the Frank R. Bowerman Sanitary Landfill, which serves the City (Wieland-Davco Corporation, 2013). The landfill has a permitted capacity of 11,500 tons per day and can accommodate the projected amount of debris to be deposited resulting in a less-than-significant impact to landfill capacity.

Based on the solid waste generation rates presented in General Plan EIR Table 4.14-14 for multi-family residential uses (MFR), and as shown previously in Table 5-8, the 23 townhomes proposed on the site would result in the long-term generation of approximately 147.4 pounds per day of solid waste. With removal of the site's existing church, church reading room, and commercial office building, the Project represents a minimum reduction of 298.0 pounds of solid waste per day. Therefore, with implementation of the proposed Project, the total amount of solid waste generated within the City of Newport Beach and deposited at the Frank R. Bowerman Sanitary Landfill would decrease, potentially extending the life of the landfill and not adversely affecting its permitted capacity of 11,500 tons per day.

g) Would the Project comply with federal, state, and local statutes and regulation related to solid waste?

Finding: Less-than-Significant Impact. The Project would comply with all applicable statutes and regulations related to solid waste. Impacts would be less than significant and mitigation is not required.

Public Resources Code § 40000 et seq. requires that local jurisdictions divert at least 50 percent of all solid waste generated. The proposed Project would be subject to the City's Recycling Service Fee pursuant to Municipal Code Chapter 2.30, which is intended to assist the City in meeting the 50 percent diversion objective. Commercial waste haulers within the City are subject to Municipal Code Section 12.63.120 (Recycling Requirement), which states, "No person providing commercial solid waste handling services or conducting a solid waste enterprise shall deposit fifty (50) percent or more of the solid waste collected by the person in the City at any landfill." Furthermore, the proposed Project would be required to comply with Municipal Code Section 20.30.120 (Solid Waste and Recyclable Materials Storage), which mandates that all multi-unit projects with five or more dwelling units "...provide enclosed refuse and recyclable material storage areas with solid roofs." Accordingly, the proposed Project would be fully compliant with all applicable Federal, State, and local statutes and regulations related to solid waste, resulting in a less-than-significant impact.

5.4.17.3 Mitigation Measures

Implementation of the proposed Project would result in less than significant impacts to utilities and service systems; accordingly, mitigation measures are not required.

5.4.18 Mandatory Findings of Significance

<i>Would the Project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
a) <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



<i>history or prehistory?</i>					
b)	<i>Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5.4.18.1 Mandatory Findings of Significance: Project Impacts

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?*

Finding: Less than Significant with Mitigation Incorporated. The proposed Project has no potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Mitigation Measures MM CR-1 and MM CR-2 have been imposed on the Project to ensure that the Project results in less-than-significant impacts to archaeological or paleontological resources that may be uncovered during construction of the Project. Accordingly, impacts would be less than significant, and additional mitigation measures are not required.

As indicated in the analysis presented throughout this MND document, and assuming the incorporation of mitigation measures, the Project would result in no impact or less-than-significant impacts to the environment. Accordingly, the Project would not substantially degrade the quality of the environment.

As indicated under the discussion and analysis of Biological Resources in Section 5.4.4, improvements proposed as part of the Project would occur wholly within the 1.2-acre Project site, along the site's frontage with surrounding streets, and within a portion of Via Lido (an improved roadway). None of the areas planned for physical impact or development by the Project contain fish or wildlife habitat, sensitive plant or animal communities, or wetlands. The Project would have no impact on fish or wildlife population levels and would not restrict the range of any rare or endangered plant or animal. Accordingly, there would be no impact to biological resources resulting from Project implementation.

As indicated in the discussion and analysis of Cultural Resources in Section 5.4.5, none of the existing buildings on the Project are included on the National Register of Historic Places or on the California Register of Historical Resources, nor are they eligible for listing; accordingly, there would be no impact to historical resources resulting from Project implementation. Although the Project site is not identified as being sensitive with respect to archaeological or paleontological resources, Mitigation Measures MM CR-1 and MM CR-2 have been imposed on the Project to ensure the proper treatment of any resources that may be uncovered during construction of the proposed Project. With implementation of the



required mitigation, the Project would have a less-than-significant impact on historic and prehistoric resources.

b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*

Finding: Less-than-Significant Impact. The proposed Project would not result in impacts that are individually limited, but cumulatively considerable. Cumulative impacts of the proposed Project would therefore be less than significant, and mitigation measures are not required.

In order to evaluate the Project's potential to result in cumulatively significant impacts, the City of Newport Beach Planning Division compiled a list of other closely related past, present, and reasonably foreseeable probable future projects. The list of cumulative projects, along with a description of the proposed land uses, location of the projects, a description of the status of each project, and a list of discretionary actions associated with each, is provided in Technical Appendix F. A total of 31 past, present, and reasonably foreseeable projects were identified within the City.

A discussion and analysis of the Project's potential to result in cumulatively considerable effects to the various issue areas identified in this MND is provided below.

Aesthetics

Based on the list of projects included in Technical Appendix F, only one cumulative development project (Old City Hall Complex Redevelopment) is located within the Project's viewshed. The Old City Hall Complex Redevelopment project ("City Hall Redevelopment") is located immediately west of the Project site at 3300 Newport Boulevard, and would involve the construction of mixed uses at a maximum height of 55 feet (with 65 feet for architectural projections). According to the Draft Mitigated Negative Declaration for the City Hall Redevelopment, the City Hall Redevelopment would result in a significant, but mitigable, impacts to scenic vistas (due to a potential conflict in surrounding neighborhood character), visual character and quality (due to the planned change in the site's existing visual character), and light and glare (due to lighting and building materials). (Newport Beach, 2012C)

As indicated in the discussion of the Project's potential impacts to Aesthetics in Section 5.4.1, the Project would result in less-than-significant impacts to scenic vistas. The Project's primary potential for resulting in impacts to scenic vistas occurs at the Lido Island Bridge approaches, which are identified as key vantage points in the City by the City's General Plan. However, as indicated on Figure 5-5, the former City Hall complex is not visible from the Lido Island Bridge approaches, nor would future buildings on the former City Hall site be visible upon buildout of the Project and the City Hall Redevelopment. Accordingly, cumulative impacts to scenic resources would be less than significant.

The Project site is not visible from any state scenic highways; therefore, there is no potential for the Project to result in cumulatively significant impacts to scenic resources visible from a state scenic highway.

Both the Project and the City Hall Redevelopment project would be required to comply with the design requirements of the Lido Village Design Guidelines, which would ensure that cumulative impacts due to a substantial degradation in the existing visual character of the area remain below a level of significance.



Additionally, the Project and the City Hall Redevelopment project would be required to adhere to the light and glare requirements specified in Section 20.30.070 (Outdoor Lighting) of the City's Zoning Code and the Lido Village Design Guidelines, thereby ensuring that cumulative light and glare impacts remain below a level of significance.

Agriculture and Forestry Resources

As indicated in the discussion and analysis of Agriculture and Forestry Resources in Section 5.4.2, the Project would have no impact on agricultural or forestry resources; accordingly, the Project has no potential to contribute to cumulatively significant impacts.

Air Quality

As indicated under the discussion and analysis of Air Quality in Section 5.4.3, and assuming incorporation of Mitigation Measures MM AQ-1 and MM AQ-2, the Project would be fully consistent with the SCAQMD 2012 AQMP, would not result in near- or long-term emissions that violate the SCAQMD Regional Thresholds or Localized Significance Thresholds (LSTs), would not subject sensitive receptors to substantial pollutant concentrations, and would not create objectionable odors affecting a substantial number of people. In the long-term, implementation of the Project would reduce emissions of air pollutants associated with the Project site as compared to the land uses that occur on the site under existing conditions, thereby precluding the Project from contributing to cumulative long-term impacts associated with consistency with the 2012 AQMP.

The only potential for the Project to cumulatively contribute to air quality concerns is during its short-term construction period, in regard to LSTs. The Project's short-term construction related impacts associated with PM₁₀ and PM_{2.5} would be mitigated to below a level of significance and other cumulative development projects in the City subject to CEQA are required to similarly identify their potential air quality impacts and identify mitigation measures (if necessary) to reduce their impact to the extent feasible, LSTs are based on the ambient concentrations of that pollutant within the project Source Receptor Area (SRA) and the distance to the nearest sensitive receptor. Since the Project would comply with the LSTs, and because other nearby construction projects (if proposed concurrent with Project construction activities) also would be required to demonstrate compliance with the LSTs, a significant cumulative construction-related LST impact would not occur. The Project also comprises a multi-family development that is not associated with the generation of objectionable odors, and cumulatively significant impacts would therefore not occur.

Biological Resources

As indicated in the discussion and analysis of Biological Resources in Section 5.4.4, the Project would have no impact on biological resources. Accordingly, the Project would have no potential to contribute to a cumulatively significant impact to biological resources.

Cultural Resources

As indicated under the discussion and analysis of Cultural Resources in Section 5.4.5, the Project would have no impact to historical resources. Accordingly, the Project would have no potential to contribute to a cumulatively significant impact to historical resources.

During Project construction, there is a remote possibility of uncovering archaeological or paleontological resources. Mitigation Measure MM CR-1 and MM CR-2 have been identified to reduce potential impacts to archaeological or paleontological resources to a level below significant. Other



developments within the City subject to CEQA and that have the potential for uncovering subsurface resources would similarly be required to incorporate measures to address the potential for uncovering such resources during ground disturbing activities. Accordingly, and assuming incorporation of the Project-specific mitigation, potential cumulative impacts to archaeological and paleontological resources would be reduced to less-than-significant levels.

The Project and all cumulative developments would be required to comply with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98(b), which would preclude cumulatively significant impacts to human remains.

Geology and Soils

Due to the site-specific nature of potential impacts associated with geology and soils, there is no potential for the Project to contribute to cumulatively significant impacts associated with the site's geology and soil conditions. All development in the City is required to comply with the California Building Standards Code and follow the recommendations of project-specific geotechnical reports, adherence to which preclude cumulatively significant impacts.

Greenhouse Gas Emissions

As indicated in the discussion and analysis of Greenhouse Gas Emissions in Section 5.4.7, the Project would result in a net reduction of greenhouse gasses emitted from the site as compared to existing conditions, and the Project would not conflict with any plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions. Accordingly, the Project has no potential to contribute to a cumulatively significant impact due to greenhouse gas emissions.

Hazards and Hazardous Materials

The Project site does not contain any recognized environmental conditions under existing conditions, and therefore has no potential for cumulatively significant impacts to people or the environment associated with such conditions. Although construction of the proposed Project has the potential to expose nearby sensitive receptors and construction workers to hazards associated with asbestos-containing materials and lead-based paints, Mitigation Measures MM HM-1 and MM HM-2 have been identified to reduce these potential impacts to a level below significance. Other cumulative developments that contain asbestos-containing materials and/or lead-based paints would similarly be required to dispose of such materials in accordance with applicable local, state, and federal laws and regulations. There are no other components of the proposed Project with a potential to create significant public health hazards; accordingly, the Project's potential contribution toward cumulative impacts associated with asbestos and lead based paint abatement would be less than cumulatively considerable following the incorporation of mitigation.

The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials within one-quarter mile of an existing or proposed school, and the Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; accordingly, the Project has no potential to contribute to cumulatively significant impacts associated with these thresholds.

The Project would replace older buildings on the Project site with new construction, which would reduce the cumulative fire risk associated with the concentration of older structures on the Balboa Peninsula that were not built to current fire codes. Similarly, other cumulative projects that replace older buildings with new construction would also assist in lowering cumulative fire risk. As such, the Project has no potential to contribute to cumulatively significant fire risk associated with a potential



aircraft accident that poses fire risk on the Balboa Peninsula. Furthermore, the City's Emergency Management Plan incorporates an emergency evacuation plan that addresses cumulative effects associated with public airport operations to a level below significant.

The Project site would have no impacts due to private airport-related hazards or interference with any emergency response plans or emergency evacuation plans; accordingly, the Project has no potential to contribute to cumulatively significant impacts associated with private airports or emergency evacuation plans.

Although the Project and other cumulative developments located on the Balboa Peninsula could be exposed to fire hazards due to the generally older buildings that predominate the area (and their lack of fire resistant construction), the Project and all cumulative development projects would be constructed in accordance with modern building codes, including fire protection measures that would attenuate the risk of fire hazards. As such, the Project and cumulative projects on the Balboa Peninsula would result in an incrementally reduced risk of fire hazards; accordingly, the Project would result in a less-than-significant cumulative impact due to fire hazards.

Hydrology and Water Quality

The proposed Project would have no impacts to groundwater supplies, groundwater recharge areas, flood hazards, or flooding associated with the failure of a levee or dam; accordingly, the Project has no potential to contribute to cumulatively significant impacts associated with these issues.

Similar to the proposed Project, all cumulative developments in the City would be required to prepare and implement site-specific SWPPPs and WQMPs, which would ensure that any cumulatively considerable impacts to water quality are reduced to less-than-significant levels. Additionally, and as with the proposed Project, all cumulative developments would be required to prepare hydrology studies to demonstrate that any changes to runoff does not result in on- or off-site flooding; accordingly, any cumulative impacts associated with drainage would be less than significant.

The Project site would not be subject to inundation by seiches or mudflow. Although the Project site and other areas of the Balboa Peninsula are located within the City's tsunami inundation zone, the likelihood of a catastrophic-level tsunami impacting the City is considered remote. Additionally, the City has prepared an Emergency Management Plan, which identifies tsunami evacuation routes, tsunami evacuation sites, and response plans, and utilizes an outdoor emergency siren system to provide residents with advance warnings of potential tsunami emergencies. The proposed Project and cumulative development projects have no potential to adversely affect the implementation of the City's Emergency Management Plan, which would ensure that cumulatively considerable impacts due to tsunamis are reduced to less-than-significant levels.

Land Use and Planning

The Project would have no impacts due to the physical division of an established community or a conflict with an applicable habitat conservation plan or natural community conservation plan; accordingly, the Project has no potential to contribute to a cumulatively significant impact associated with these issues.

As indicated in the analysis presented under Land Use and Planning in Section 5.4.10, the Project would be consistent with, or otherwise would not conflict with, any applicable land use plan, policies, or regulation of any agency that was adopted for the purpose of avoiding or mitigating an environmental effect. Other cumulative development projects similarly have been shown to be consistent with all



applicable plans, policies, and regulations, or would be required to demonstrate such consistency prior to approval. Accordingly, cumulatively significant impacts would be less than significant.

Mineral Resources

As indicated under the discussion and analysis of Mineral Resources in Section 5.4.11, the Project would not result in any impacts to mineral resources. Accordingly, the Project has no potential to contribute to a cumulatively significant mineral resource impact.

Noise

During construction of the proposed Project, there is a potential for exposing nearby sensitive receptors to loud noise levels. Project construction activities have the potential to occur simultaneous with off-site nearby construction activities (such as the City Hall Redevelopment project) which would further increase the construction-related noise level. Construction noise is exempt from Municipal Code Section 10.26 (Community Noise Control), provided such activities adhere to the timing restrictions specified in Section 10.28 (Loud and Unreasonable Noise). As with the proposed Project, construction activities associated with cumulative developments would be required to comply with the timing restrictions of Section 10.28, thereby ensuring that cumulatively significant impacts do not occur.

The Project consists of a residential development that has no potential for resulting in the creation of substantial noise levels under long-term operational conditions. Moreover, the Project would result in a net decrease in vehicular traffic from the site as compared to existing conditions, which would thereby result in reduced off-site noise impacts due to traffic. Accordingly, under long-term operating conditions, the Project's contribution of noise to the cumulative noise environment would not be cumulatively considerable.

There would be no cumulatively significant impacts due to airport-related noise, as the Project site is not exposed to substantial airport-related noise and would have no effect on the level of exposure of other off-site properties.

Population and Housing

As indicated in the discussion and analysis of impacts to Population and Housing in Section 5.4.13, the Project would have no impacts due to the displacement of substantial numbers of existing housing or people; accordingly, the Project has no potential to contribute to cumulatively significant impacts associated with housing displacement.

The Project would result in the construction and operation of 23 new townhome units on-site, which would result in a projected population increase of approximately 50 persons (USCB, 2013). As indicated in the list of cumulative development projects provided in Technical Appendix F, a number of other cumulative development projects also could result in the construction of new housing units and/or new or expanded housing units within the City, which, collectively, could result in a substantial increase in the City's population. However, as indicated in the analysis provided throughout this section, and assuming implementation of the mitigation measures identified herein to address the Project's direct impacts to the environment, the Project would not result in any cumulatively significant impacts, including cumulatively significant impacts that would result from the Project's projected population increase. Accordingly, the approximately 50 new residents that would be generated by the Project would not be cumulatively considerable in relation to associated environmental effects.



Public Services

As indicated in the discussion and analysis of Project impacts to Public Services in Section 5.4.14, implementation of the proposed Project would not result in an increase in demand for fire protection or police protection services; accordingly, the Project has no potential to contribute to cumulatively significant impacts to fire and police protection services.

Although the Project would result in approximately five new elementary school students, three middle school students, and three high school students, the Project applicant would be required to contribute school fees in accordance with Public Education Code § 17072.10-18. Other cumulative development projects proposing residential development would similarly be required to contribute school fees. Furthermore, the NMUSD determined that its existing student capacity is adequate to serve the projected student population, and the District had no plans for expansion of its school facilities to accommodate projected population growth. Accordingly, cumulatively significant impacts to schools would be less than significant and the Project's contribution would be less than cumulatively considerable.

The Project's projected increase in the City's population by approximately 50 residents, when considered in the context of population increases that would result from buildout of other cumulative developments, would result in an increased demand for library services. The General Plan Arts and Cultural Element does not establish any numeric standard for determining the amount of physical library space needed to serve the City's population. Additionally, given changes in technology (i.e., the use of electronic media in lieu of hard copy media) and the ability to adjust service hours and programming based on demand in existing facilities, the demand for physical library space based on population-based projections is speculative. Moreover, the Newport Beach Public Library system was rated the highest ranking of California public libraries in its population category according to Hennen's American Public Library Rankings (HAPLR). The HAPLR Index focuses on 15 key factors, including funding levels, collections, staffing, hours open, number of visitors and reference services. (Newport Beach, 2013f) The high quality of the City's existing library facilities indicates that the City's library facilities are more than adequate to serve the City's population under existing conditions. Furthermore, the NBPL currently has no plans for construction or expansion of library space. The Newport Beach Central library underwent a recent expansion to service the City's population. As such, growth of the City's population associated with the Project's 50 residents and other cumulative projects would not create the need to construct a new future library or physically expand an existing library facility. Library services receive funding from property tax, a portion of which from the Project's tax assessment would be dedicated to the City's Library Fund (Newport Beach, 2012a, § 3.08.020).

Recreation

Based on the analysis of Project impacts presented in Section 5.4.15, there are adequate existing and planned recreational facilities within the City's Service Area I to meet the recreational demands that would be caused by the projected increase in the City's population. Although there is a possibility that planned recreational facilities may not be operational prior to occupancy of the Project, the Project would only generate an additional 50 residents whose use of existing facilities is unlikely to result in the physical deterioration of any existing recreational facilities within the City's Service Area I. When combined with other cumulative projects within Service Area I (e.g., redevelopment of the former City Hall site), cumulative impacts on existing recreational facilities would be less than significant, as the majority of recreational opportunities within Service Area I consist of passive recreational facilities and beaches, which are not likely to suffer from physical deterioration as a result of cumulative population increases. In addition, residential development would be required to pay the requisite Quimby Act fees, which would be used by the City to provide new parks and/or recreation facilities. Specifically, the



Project would be required to contribute \$26,125 per unit to the City's park funds, as required by City Council Resolution No. 2007-30, which would enable the City to provide for new or improved park facilities within the City to serve City residents and future residents of the Project. Accordingly, the Project would result in a less than cumulatively considerable impact to recreational resources.

Transportation/Traffic

As indicated in the discussion and analysis of Transportation/Traffic in Section 5.4.16, the Project would not result in any impacts due to traffic and would reduce the amount of traffic generated by the site under existing conditions. Moreover, redevelopment of the City Hall Site is projected to reduce peak hour traffic; thus, given the net reduction in peak hour trips associated with the Project and the City Hall Site Reuse project, traffic in the immediate vicinity of the Project would be reduced as compared to existing conditions (Newport Beach, 2012C). Accordingly, the Project has no potential to contribute to cumulatively significant impacts associated with transportation/traffic.

Utilities and Service Systems

As indicated under the discussion and analysis of Utilities and Service Systems in Section 5.4.17, the proposed Project would result in a net decrease in the amount of wastewater and solid waste generated by the site, and also would result in a reduction in the site's demand for water resources. Accordingly, the Project's impacts associated with wastewater, solid waste, and water supply would be less than cumulatively considerable.

The Project does not propose or require the construction of new storm water drainage facilities or the expansion of existing drainage facilities. As such the Project has no potential to contribute to cumulative impacts associated with the construction of storm water drainage facilities.

c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Finding: Less than Significant with Mitigation Incorporated. Assuming implementation of Mitigation Measures MM AQ-1, MM AQ-2, HM-1, and MM HM-2, the Project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Impacts would be less-than-significant following the incorporation of mitigation measures, and additional mitigation measures are not required.

As indicated under the discussion and analysis of Air Quality in Section 5.4.3, Project-related construction activities have the potential to expose nearby sensitive concentrations during construction (i.e., PM₁₀ and PM_{2.5} localized emissions). Mitigation Measures MM receptors to substantial pollutant AQ-1 and MM AQ-2 have been imposed on the Project to ensure the incorporation of BMPs during Project construction, which would reduce the Project's near-term air quality impacts to a level below significance. As indicated under the discussion and analysis of Hazardous Materials in Section 5.4.8, demolition activities associated with the proposed Project have the potential to expose construction workers and nearby sensitive receptors to impacts associated with asbestos-containing materials and/or lead-based paint. Mitigation Measures MM HM-1 and MM HM-2 have been imposed on the Project to ensure that these impacts are reduced to less-than-significant levels. As indicated in the remaining sections of this MND document, the Project would have no impact or less-than-significant impacts on human beings, both directly and indirectly. Accordingly, and with the incorporation of mitigation, impacts would be less than significant.



6.0 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>Air Quality</p> <p>Threshold 4: During construction of the proposed Project, maximum daily combined emissions for, PM₁₀ and PM_{2.5} emissions have the potential to exceed the LSTs before application of best management practices and mitigation measures.</p>	<p>MM AQ-1</p> <p>Prior to grading permit issuance, the City shall verify that the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Newport Beach staff to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors. The following notes shall be included on the grading plan and in construction bid documents to implement SCAQMD Rule 403:</p> <ul style="list-style-type: none"> The construction contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three (3) times a day, preferably in the midmorning, afternoon, and after work is done for the day. The construction contractor shall ensure that all construction vehicles hauling earth materials or demolition debris use covers on any material to prevent the emission of dust during material transport. Disturbed areas shall be replanted as 	<p>Project Applicant, Construction Contractor / City of Newport Beach Building Division</p>	<p>Prior to grading permit issuance, prior to commencement of construction and during construction</p>	<p>Less than Significant</p>



THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>soon as practical following grading, if such areas will not immediately be paved or covered with buildings.</p> <ul style="list-style-type: none"> The contractor shall ensure that traffic speeds on all unpaved surfaces of the Project site are reduced to 15 miles per hour or less. <p>MM AQ-2 Prior to grading permit issuance, the City shall verify that a note is included on the grading plan requiring a sign be posted on-site that restricts the idling of diesel engines to less than five minutes. The sign shall be installed before construction activities commence and remain in place during the duration of construction activities. Project contractors shall be required to ensure compliance with idling restriction and permit periodic inspection of the construction site by City of Newport Beach staff to confirm compliance. The idling restriction also shall be specified in bid documents issued to prospective construction contractors.</p>	<p>Project Applicant, Construction Contractor / City of Newport Beach Building Division</p>	<p>Prior to grading permit issuance, prior to commencement of construction and during construction</p>	
<p>Cultural Resources</p> <p>Threshold 2: Although unlikely, there is a remote possibility that archaeological resources could be encountered during site grading activities.</p>	<p>MM CR-1 Prior to the issuance of grading permits, the City shall verify that the following note is included on the grading plan(s).</p> <p><i>“If suspected archaeological resources are encountered during ground-disturbing construction activities, the construction contractor shall temporarily halt work in a 100-foot radius around the find until a qualified archaeologist can be called to the site to assess the significance of the find,</i></p>	<p>Project Applicant, Construction Contractor and (if required) Project Archaeologist / City of Newport Beach Building Division and Planning Division</p>	<p>Prior to issuance of grading permits and during grading</p>	<p>Less than Significant</p>



THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p><i>and, if necessary, develop appropriate treatment measures in consultation with the City of Newport Beach.”</i></p> <p>The grading contractor shall be responsible for complying with the note. If the archaeologist determines that the find does not meet the CEQA standards of cultural significance, construction shall be permitted to proceed. However, if the archaeologist determines that further information is needed to evaluate significance, the City of Newport Beach shall be notified and a data recovery plan shall be prepared in consultation with the City, which may include the implementation of a Phase II and/or III archaeological investigation per City guidelines. All significant cultural resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historical Resources Information System South Central Coastal Information Center (CHRIS-SCCIC). The archaeologist shall incorporate analysis and interpretation of any significant find(s) into a final Phase IV report that identifies the level of significance pursuant to Public Resources Code § 21083.2(G). The Project Applicant, in consultation with the archaeologist and the City, shall designate repositories in the event that resources are recovered.</p>	Project Applicant,	Prior to issuance of	Less than Significant
Threshold 3: Although unlikely,	MM CR-2			



THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>there is a remote possibility that paleontological resources could be encountered during site grading activities.</p>	<p>the City shall verify that the following note is included on the grading plan(s). <i>“if suspected paleontological resources (fossils) are encountered during ground-disturbing construction activities, the construction contractor shall temporarily halt ground-disturbing activities within 100 feet of the find until a qualified paleontologist can be called to the site to assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with the City of Newport Beach.”</i></p> <p>The grading contractor shall be responsible for complying with the note. At the paleontologist’s discretion, the construction contractor may assist in removing rock samples for initial processing. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Newport Beach shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction.</p>	<p>Construction Contractor, and (if required) Project Archaeologist / City of Newport Beach Building Division and Planning Division</p>	<p>grading permits and during grading</p>	
<p>Hazards/Hazardous Materials</p>				
<p>Threshold 1 and 2: The existing buildings on the site that would be demolished as part of the</p>	<p>MM HM-1 The City of Newport Beach shall condition all demolition permits to comply with South Coast Air Quality</p>	<p>Project Applicant, Construction Contractor, Asbestos-</p>	<p>Prior to issuance of demolition permits and during</p>	<p>Less than Significant</p>



THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>Project contain friable asbestos materials and materials coated with lead-based paint, both of which have the potential to expose construction workers and/or nearby sensitive receptors to health risks during demolition activities. Asbestos-containing materials and materials containing lead-based paints have the potential to create a significant hazard to the public or the environment.</p>	<p>Management District (SCAQMD) Rule 1403 with respect to asbestos containing materials and the demolition contractor shall be required to comply with Rule 403. All asbestos-related work conducted during the demolition process shall be performed by a licensed Asbestos-abatement Contractor under the supervision of a certified Asbestos Consultant. Asbestos-containing construction materials (ACCMs) shall be removed and disposed of in compliance with notification and asbestos-removal procedures outlined in SCAQMD Rule 1403 to reduce asbestos-related health risks. During demolition, the demolition contractor shall maintain all records of compliance with Rule 1403, including, but not limited to, the following: evidence of notification of SCAQMD pursuant to Rule 1403; contact information for the Asbestos-abatement Contractor and Asbestos Consultant; and receipts (or other evidence) of off-site disposal of all ACCMs. These records shall be made available for City inspection upon request.</p> <p>MM HM-2 The City of Newport Beach shall condition all demolition permits to comply with Title 17, California Code of Regulations (CCR), Division 1, Chapter 8 (LBP Regulations), which addresses requirements for the removal of components painted with lead-based paint (LBP) during demolition of existing</p>	<p>abatement Contractor / City of Newport Beach Building Division</p> <p>Project Applicant, Construction Contractor, and Certified Lead Supervisor / City of Newport Beach Building Division</p>	<p>demolition</p> <p>Prior to issuance of demolition permits and during demolition</p>	



THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>structures. The demolition contractor shall be required to comply with these provisions. Notification to the California Department of Public Health (CDPH) shall be conducted through completion of an Abatement of Lead Hazards Notification, CDPH Form 8551. The removal of all LBP materials shall be conducted:</p> <ul style="list-style-type: none"> • By a Certified Lead Supervisor or Certified Lead Works, as defined by §§ 35008 and 35009 of the LBP Regulations, respectively; • In accordance with the procedures specified in Chapter 12: Abatement, “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” U.S. Department of Housing and Urban Development, June 1995; • Using containment and in a manner which does not result in contamination of non-work areas with lead-contaminated dust, lead-contaminated soil, or lead-based paint debris; and • In accordance with an abatement plan prepared by a certified lead supervisor, certified lead project monitor, or certified lead project designer, which includes all of the requirements as specified in § 36100(4)(A) of the LBP Regulations <p>The Certified Lead Supervisor</p>			



THRESHOLD	MITIGATION MEASURES	RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>conducting abatement shall retain records of the notification to the CDPH, and shall retain a copy of the abatement plan on-site at all times during demolition activities. The notification and abatement plan shall be made available to the City upon request for review. All demolition activities shall be subject to inspection by the CDPH and/or City officials to ensure compliance with the requirements of the LBP Regulations and abatement plan. Following completion of all abatement activities, a clearance inspection shall be conducted by a certified lead inspector/assessor or certified lead project monitor in accordance with §§ 36000(a) and 36000(c)(3) of Title 17, CCR, Division 1, Chapter 8. A copy of the results of the clearance inspection shall be provided to the City Planning Division upon completion of abatement and inspection activities.</p>			



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8.0 Persons Contributing to IS/MND Preparation

8.1 Persons Contributing to Initial Study/Addendum Preparation

City of Newport Beach (Lead Agency)

Makana Nova, Assistant Planner, Community Development Department Planning Division

T&B Planning, Inc. (Primary CEQA Consultant and Water Supply Assessment Preparer)

Tracy Zinn, AICP, Principal

Jeramey Harding, AICP, Project Manager

Urban Crossroads, Inc. (Air Quality Technical Consultant)

Haseeb Qureshi, Senior Associate (Air Quality Technical Consultant)

8.2 Resumes for Key Personnel

Resumes for the technical consultants responsible for preparing the IS/MND and the Project's construction-level air quality analysis are provided on the following pages.



TRACY ZINN, AICP

PRINCIPAL

tzinn@tbplanning.com

COMPANY DATA

Corporate Office

17542 East 17th Street
Suite 100
Tustin, CA 92780
(714) 505-6360

Murrysville Office

3081 Carson Avenue
Murrysville, PA 15668
(724) 327-3760

PERSONAL DATA

Education

Bachelor of Science in
Urban and Regional
Planning (Indiana University
of Pennsylvania, 1992)

Certifications

American Institute of
Certified Planners (AICP)

Affiliations

CA Association of
Environmental
Professionals

American Planning
Association

Green Building Alliance

Commercial Real Estate
Women (CREW)

Tracy Zinn, AICP, joined T&B Planning in 1993 and became a Principal in 2006. She manages the firm's environmental services department. Tracy is responsible for preparing and managing California Environmental Quality Act (CEQA) compliance documents and providing quality control for a majority of the company's environmental planning documents, environmental technical reports, and historic preservation plans. She also oversees the preparation of specific plans, design guidelines, zoning ordinances, and other planning documents for context-sensitive projects.

SUMMARY OF EXPERIENCE

Environmental Compliance Documents (CEQA and Technical Reports): Tracy prepares, edits, and directs the preparation of CEQA documents and supporting technical studies. Over her career, Tracy has prepared and quality-control reviewed over 100 CEQA documents. She also has directed the preparation of several hundred technical studies for a wide range of project types, including residential, commercial, industrial, mixed-use, and infrastructure-related land uses, for both public and private clients. She is respected for preparing environmental documents that are easily understood, accurate, and legally defensible.

Project Management & Public Meeting Facilitation: Tracy takes a strong leadership role in project team meetings, represents clients at public hearings and workshops, and manages coordination efforts among clients and public agencies. She directs a staff of analysts, planners, and technical support personnel and is skilled at leading large project teams. Tracy is often looked to by T&B Planning's staff and clients, as well as government officials, to provide overall project management and bring focus to the task at hand.

Master Planning/Historic Preservation Planning/Permitting: Tracy's working knowledge of local and regional planning issues, design standards, zoning laws, and public policies are invaluable when applied to context-sensitive properties. She assists clients in obtaining land use permits and preparing specific plans, design guidelines, and zoning ordinances. Tracy has also prepared several historic preservation plans for small towns, cities, and State Historic Preservation Offices. By applying her combined planning and environmental compliance experience, Tracy can critique a project's feasibility comprehensively, saving her clients' time and money.

Design Guides: Tracy prepares planning documents that focus on community character retention and the protection of natural and cultural assets. She has directed the preparation of several community character studies and regional and local design guides. The design guide she authored for the 12-county Pennsylvania Wilds region was awarded an American Planning Association merit award for best practices in 2008.



TRACY ZINN, AICP

PRINCIPAL

tzinn@tbplanning.com

REPRESENTATIVE LIST OF ENVIRONMENTAL PROJECTS

- Audie Murphy Ranch Specific Plan EIR; Menifee, California
- Citrus Heights Specific Plan EIR Addendum; Riverside County, California
- Eureka Boys and Girls Club EIR Peer Review; Eureka, California
- First Inland Logistics Center II EIR; Moreno Valley, California
- French Valley Specific Plan EIR and EIR Addendum; Riverside County, California
- Highlands Ranch EIR; San Diego County, California
- Jeffries Ranch EIR; Oceanside, California
- Lee Lake Water District MND; Corona, California
- March Business Center EIR; Moreno Valley, California
- Mira Loma Tentative Tract 33461 EIR; Riverside County, California
- Neighborhood 8A EIR; San Diego, California
- North Newport Center Planned Community EIR Addendum; Newport Beach, California
- Nuevo Business Park EIR; Riverside County, California
- Nuevo Business Park Phase II Subsequent EIR; Riverside County, California
- Oleander Industrial Park EIR; Riverside County, California
- Otay Mesa Community Plan Update Program EIR Peer Review; San Diego, California
- Serrano Commerce Center EIR; Riverside County, California
- Tentative Map 31309 Focused EIR; Riverside County, California
- Tentative Map 31826 Focused EIR; Riverside County, California
- Tentative Map 32136 Initial Study/MND; Riverside County, California
- Trailmark Specific Plan EIR; Riverside County, California
- Trammel Crow Business Center EIR Addendum; Riverside County, California
- Wakunaga Manufacturing Facility MND; Riverside County, California
- Wickerd Road Tentative Tract 31194 EIR; Riverside County, California

REPRESENTATIVE LIST OF PLANNING PROJECTS

- Audie Murphy Ranch Specific Plan; Riverside County, California
- City of Pittsburgh Cultural Heritage Plan; Pittsburgh, Pennsylvania
- City-Wide Annexation and Prioritization Study; Perris, California
- Ohiopyle Borough Design Guide and Zoning Ordinance; Ohiopyle, Pennsylvania
- Pennsylvania Statewide Historic Preservation Plan (2012-2017); Commonwealth of Pennsylvania
- Pennsylvania Wilds Design Guide; Commonwealth of Pennsylvania
- Philipsburg Borough Historic Preservation Plan; Philipsburg, Pennsylvania
- Pine Creek Valley Corridor Management Study; Lycoming and Tioga Counties, Pennsylvania
- Route 31 West Corridor Visioning Study and Design Guidelines; Somerset County, Pennsylvania
- Serrano Commerce Center Specific Plan; Riverside County, California
- Talega Specific Plan and Area Plans; San Clemente, California
- Torrey Santa Fe Design Guidelines; San Diego, California



JERAMEY HARDING, AICP

SENIOR PROJECT MANAGER

jharding@tbplanning.com

COMPANY DATA

Corporate Office

17542 East 17th Street
Suite 100
Tustin, CA 92780
(714) 505-6360

San Diego Office

1419 University Avenue
Suite C
San Diego, CA 92103
(619) 501-6041

PERSONAL DATA

Education

Master of Urban and
Regional Planning
(Eastern Washington
University, 2001)

Bachelor of Science in
Natural Resources Planning
(Humboldt State University,
1999)

Certifications

American Institute of
Certified Planners (AICP)

Affiliations

American Planning
Association

Building Industry
Association

CA Association of
Environmental
Professionals

Urban Land Institute

Jeramey Harding, AICP, joined T&B Planning in 2002 and provides supervision, oversight, and management of the firm’s environmental services in Southern California. He also serves as project manager for complicated and controversial planning and environmental compliance projects. Jeramey is primarily focused on ensuring project compliance with the California Environmental Quality Act (CEQA). As a Project Manager, he is responsible for managing the production and review of technical studies and leading project teams in the preparation of Environmental Impact Reports (EIRs).

Jeramey is a results-oriented manager with a record of successful team coordination and leadership. His problem-solving skills and technical accuracy often exceed the expectations of clients, agencies, and project applicants.

SUMMARY OF EXPERIENCE

Project Management: Jeramey effectively and efficiently manages teams of technical experts. He also represents clients at public hearings and workshops and manages coordination efforts among public agencies. Jeramey is skilled in reviewing technical reports for adequacy and directs teams of technical consultants to ensure projects are completed on-time and on-budget.

Environmental Compliance Documentation (CEQA and NEPA): Jeramey has prepared over 50 CEQA documents, including Mitigated Negative Declarations (MNDs), Initial Studies/Environmental Assessments (IS/EA), EIRs, MMRPs, and other environmental documents for residential, commercial, industrial, and public facility projects for both public and private clients. Not one of T&B Planning’s carefully-prepared EIRs has ever been successfully challenged in court.

Planning/Entitlement Documentation: In addition to environmental compliance documentation, Jeramey is well-versed in preparing and processing planning/entitlement documentation. He has prepared Change of Zone, Specific Plan, Development Plan, Master Plan, Precise Plan, and General Plan Amendment applications; Specific Plans; Zoning Ordinances; and public notices, including Notices of Preparation (NOP) and Notices of Completion (NOC).

Visual Quality Analysis: Jeramey is a recognized expert for preparing visual quality analyses for projects throughout Southern California. These analyses are often utilized in CEQA documents, such as EIRs, to analyze a proposed project’s potential impacts to aesthetics. Reports and illustrations addresses topics such as visual quality, viewsheds, lighting, and aesthetic and community character impacts as viewed from surrounding public viewing areas.



JERAMEY HARDING, AICP

SENIOR PROJECT MANAGER

jharding@tbplanning.com

REPRESENTATIVE LIST OF ENVIRONMENTAL PROJECTS

- Audie Murphy Ranch EIR and Addenda; Riverside County, California
- Batiqitos Bluffs EIR; City of Encinitas, California
- Candlelight Villas East EIR; City of San Diego, California
- Canyon Trails EIR; City of Hemet, California
- El Sobrante Landfill SEIR; Riverside County, California
- Fleming Ranch EIR; City of Menifee, California
- Gavilan Hills EIR; Riverside County, California
- Hawano Supplemental EIR; San Diego County, California
- Highlands Ranch EIR; San Diego County, California
- Otay Business Park Supplemental EIR; San Diego County, California
- San Lorenzo Lift Station EIR; City of Santa Ana, California
- Thermal 551 EIR; Riverside County, California

REPRESENTATIVE LIST OF PLANNING PROJECTS

- 101 Ranch Specific Plan; Imperial County, California
- 5th and Pennsylvania Urban Infill Project Management; City of San Diego, California
- Buena Creek Village Due Diligence; San Diego County, California
- Esplanade Planned Development Permit; City of San Diego, California
- Fashion Walk Planning Consulting; City of San Diego, California
- Gavilan Hills Specific Plan; Riverside County, California
- Hillcrest Urban Infill Project Management; City of San Diego, California
- Lake Drive General Plan Amendment; City of Encinitas, California
- Melrose Heights Development Plan; Oceanside, California
- Qua Otay Project Management; City of San Diego, California
- Robertson Ranch Master Plan; City of Carlsbad, California
- Scripps Wisteria Urban Infill Project Management; City of San Diego, California

LIST OF VISUAL QUALITY STUDIES

- Chollas Creek Visual Quality Report; San Diego County, California
- Highlands Ranch Visual Quality Report; San Diego County, California
- Luther Drive Visual Quality Report; San Diego County, California
- Santa Fe Chinese Church Visual Simulation Analysis; San Diego County, California
- Spring Valley Vistas Visual Quality Report; San Diego County, California
- Wildwood Canyon Radio Tower Visual Quality Report; San Bernardino County, California
- WIS Broadcast Tower Visual Quality Report; San Diego County, California

LIST OF OTHER TECHNICAL STUDIES

- Agricultural Resources Report for The Grove Project; San Diego County, California
- Candlelight Villas East Land Use Consistency Analysis; City of San Diego, California
- The Grove Community Character Study; San Diego County, California
- The Grove Growth Induction Study; San Diego County, California



41 Corporate Park,
Suite 300
Irvine, CA 92606
ph: (949) 660-1994

Areas of Expertise

Air Quality Analysis/Permitting

*Dispersion Modeling, Health
Risk Assessment*

*Air Quality Conformity
Analysis for Interchange
Projects*

*Greenhouse Gas Emissions
Evaluation/Inventory*

Climate Action Planning

Education

*M.S./Environmental
Science/CSUF*

*BA/Environmental Analysis &
Design/ UC Irvine*

Affiliations

*American Planning
Association (APA)*

*Association of Environmental
Professionals (AEP)*

*Air & Waste Management
Association (A&WMA)*

Prof. Accomplishments

*San Diego County Approved
Consultant List—Air Quality*

*Certification-Air Dispersion
Modeling and Risk
Assessment—Lakes
Environmental*

*Certification-AB2588
Regulatory Standards—Trinity
Consultants*

*Certificate of Completion-
Principles of Ambient Air
Monitoring-California Air
Resources Board*

*Certificate of Completion-
Planned Communities and
Urban Infill – Urban Land
Institute*

Prof. History

Urban Crossroads, Inc.
Sr. Associate /Sr. Air Quality
and Climate Change
Specialist
2007 – Present

Urban Crossroads, Inc.
Air Quality and Climate
Change Specialist
2004 – 2006

Haseeb Qureshi, MES

Senior Associate/ Senior Air Quality & Climate Change Specialist

Since joining Urban Crossroads in June 2004, Mr. Qureshi has worked on a variety of projects, including mobile source (cancer) health risk assessments, air quality impact analyses, and air quality conformity analyses for transportation improvement projects.

Since 2006, Mr. Qureshi has been actively involved in responding to various project's needs to address Global Climate Change in their CEQA Documents. Mr. Qureshi co-authored an informational newsletter detailing the passage of Assembly Bill 32 (AB32) and how it will continue to impact development projects.

Mr. Qureshi has a strong technical background in utilizing various air-quality models such as the Urban Emissions Model (URBEMIS), the California Line Source Dispersion Model (CALINE-4), U.S. EPA-approved CAL3QHC, the Industrial Source Short Term (ISCST3) Model, and the AMS/EPA Regulatory Model (AERMOD).

At Urban Crossroads, Inc., Mr. Qureshi has participated in hundreds of air quality analyses studies including numerous mobile source and air toxics health risk assessments for various residential, commercial, and industrial developments in Orange, Imperial, Kern, Los Angeles, Riverside, San Bernardino, and San Diego Counties. He is a current member of the American Planning Association (APA), Association of Environmental Professionals (AEP), and the Air & Waste Management Association (A&WMA).

In addition, Mr. Qureshi is an active participant of the South Coast Air Quality Management District, San Diego County, and Orange County Association of Environmental Professionals working groups that are collaborating to establish guidance on establishing climate change thresholds for CEQA documents. Mr. Qureshi was also an active participant in the South Coast Air Quality Management District's working group on establishing PM_{2.5} significance thresholds for CEQA projects.